

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, JULY 13, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Zoning Board of Adjustment and Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on June 21, 2023

2. PUBLIC HEARINGS:

- a) Request of Adan Pena on behalf of Thirumurugan Gopalasamy for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet and 7 inches into the 25 feet rear yard setback for a swimming pool at Lot 28, Embers, Hidalgo County, Texas; 305 Cornell Avenue. **(ZBA2023-0049)**
- b) Request of Cynthia Zimmerman on behalf of World Gospel Mission for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 13.5 feet into the 20 feet front yard setback for a proposed carport measuring 20 feet by 20 feet, at Lots 23 and 24, Block 11, College Heights Subdivision, Hidalgo County, Texas; 2107 Jackson Avenue. **(ZBA2023-0053)**
- c) Request of George Craft for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet front yard setback for a proposed carport measuring 18 feet by 20 feet, at Lot 11, Timberhill Villa Subdivision, Hidalgo County, Texas; 9401 North 10th Street Unit 4-11. **(ZBA2023-0054)**
- d) Request of Ana G. Hinojosa De Soto for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 2.5 feet into the 10 feet rear yard setback for an existing metal carport measuring 18 feet by 16 feet at Lot 116, Arrowhead Subdivision Phase 2, Hidalgo County, Texas; 2820 North 39th Street. **(ZBA2023-0055)**
- e) Request of Manuel Villegas for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 16.83 feet by 18.83 feet at Lot 156, Del Sol Phase 2 Subdivision, Hidalgo County, Texas; 4319 North 26th Lane. **(ZBA2023-0058)**
- f) Request of Roberto and Rebecca Vela for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 26 feet by 20 feet at Lot 58, Olivarez No. 5 Subdivision, Hidalgo County, Texas; 2909 Tamarack Avenue. **(ZBA2023-0059)**
- g) Request of Roosevelt Alvarado for the following Special Exception to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 11 feet into the 20 feet front yard setback for a proposed carport measuring 19 feet by 20 feet and **2)** and encroachment of 6 feet into the 6 feet side yard setback for a proposed carport measuring 19 feet by 20 feet on Lot 33, Block 4, Tierra Del Sol Unit No. 1 Subdivision, Hidalgo County, Texas; 2524 Goldcrest Avenue. **(ZBA2023-0060)**

- h) Request of Rodolfo Rios for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing metal porch at Lot 24 and E20' Lot 23, Fern Terrace, Hidalgo County, Texas; 100 Fern Avenue. **(ZBA2023-0050)**
- i) Request of Donaciano Gomez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 front yard setback and an encroachment of 5 feet into the 6 feet side yard setback for a metal carport measuring 20 feet by 20 feet, at Lot 1, Lincoln Terrace No. 8, Hidalgo County, Texas; 2721 Upas Avenue. **(ZBA2023-0051)**
- j) Request of Wilfredo Charles for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 21 feet into the 25 front yard setback for an existing metal carport measuring 18 feet by 18 feet, at Lot 71, Idela Park UT No. 1, Hidalgo County, Texas; 2752 Judith Avenue. **(ZBA2023-0052)**
- k) Request of Gilma Cuellar for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing carport measuring 10 feet by 47 feet at Lot 24, Brookwood Subdivision, Unit 2 Hidalgo County, Texas; 4105 Zinnia Avenue. **(ZBA2023-0056)**
- l) Request of Baldemar Sanchez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for a proposed carport measuring 20 feet by 30 feet at Lot 46, Idela Park Subdivision, Unit 2 Hidalgo County, Texas; 5101 South 29th Street. **(ZBA2023-0057)**
- m) Request of Maria Saldana for a Special Exception to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 21 feet by 20 feet, and **2)** an encroachment of 6 feet into the 6 feet west side yard setback for an existing metal carport with canvas cover measuring 21 feet by 20 feet, at Lot 11, Los Encinos Subdivision Unit 2, Hidalgo County, Texas; 3036 Olga Avenue. **(ZBA2023-0044) (TABLED: 06/21/2023)**
- n) Request of Mario Ferron for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 18 feet by 20 feet, at Lot 43, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3409 Gardenia Avenue. **(ZBA2023-0045) (TABLED: 06/21/2023)**

3. FUTURE AGENDA ITEMS

- a) 2712 Norma Avenue
- b) 2021 Highland Avenue
- c) 2017 Highland Avenue
- d) 1940 South 33rd Street
- e) 1936 South 33rd Street
- f) 1905 Robin Avenue

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, June 21, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

| | | |
|-----------------------|---------------------------|----------------------------------|
| Present: | Jose Gutierrez | Chairperson |
| | Ann Tafel | Member |
| | Hugo Avila | Member |
| | Rogelio Rodriguez | Member |
| | Sam Saldivar | Alternate |
| | Juan Mujica | Alternate |
| Absent: | Hiram A. Gutierrez | Member |
| Staff Present: | Benito Alonzo | Assistant City Attorney I |
| | Rodrigo Sanchez | Senior Planner |
| | Omar Sotelo | Senior Planner |
| | Samantha Trevino | Planner I |
| | Porfirio Hernandez | Planning Technician II |
| | Jessica Pugo | Planning Technician I |
| | Carmen White | Administrative Assistant |

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on June 7, 2023.

The minutes for the meeting held on June 7, 2023 were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Maria Saldana for a Special Exception to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 21 feet by 20 feet, and **2)** an encroachment of 6 feet into the 6 feet west side yard setback for an existing metal carport with canvas cover measuring 21 feet by 20 feet, at Lot 11, Los Encinos Subdivision Unit 2, Hidalgo County, Texas; 3036 Olga Avenue. **(ZBA2023-0044)**

Ms. Trevino stated the applicant was requesting a special exception to encroach 15 feet into the 20 feet front yard setback, and 6 feet into the 6 feet west side yard setback. Both requests are for an existing metal carport constructed to protect her vehicles from rain, hail, and the sun, as the house does not have a garage.

The subject property was located along the north side of Olga Avenue, and north of Sam Houston Elementary. The Lot had 50 feet of frontage along Olga Avenue and a depth of 102.70 feet for total square feet of 5,135 feet. The property is zoned R-1 (single-family residential) District. There is R-1 district in all directions.

Los Encinos Subdivision Unit 2 was recorded in June 1995. The plat shows a 20 feet front yard setback and a 6 feet side yard setback. A stop work order was posted July 8, 2022 for carport built without a permit. An application for a building permit was submitted July 26, 2022. The special exception application was submitted May 9, 2023.

The applicant was requesting a special exception in order to allow an encroachment of 15 feet into the 20 feet front yard setback and an encroachment of 6 feet into the 6 feet west side yard setback for an existing carport with canvas cover in order to protect her vehicles from the weather elements.

The applicant proposed to reduce the size of the carport by 5 feet in order to clear a 5 feet utility easement that runs concurrently with the front yard setback adjacent to the front property line. The proposed reduction will result in the carport dimensions modified to a size of 16 feet by 20 feet.

The front yard setback was 20 feet along Olga Avenue. Front yard setbacks help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision. The carport could be relocated to the rear of the property and accessed through the alley to maintain curb appeal and be closer in compliance.

The side yard setback is 6 feet for the common side property line. A 6 feet wooden wall separates the driveway from the neighboring property.

During a site visit, staff noticed that there were no other carports within Los Encinos Subdivision Unit 2.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

Staff had not received any phone calls, emails, or letters in opposition to the special exception request.

Staff recommended disapproval of the request since there are no other carports, nor have other special exceptions been granted for Lots within Los Encinos Subdivision Unit 2.

Vice-Chairperson Tafel asked staff if there was a neighbor on the west side and up to the property line. Ms. Trevino stated yes.

Board member Avila asked staff regarding the canvas carport that was curved; was it measured from the curve. Ms. Trevino stated they measure it from the posts.

Ms. Maria Saldana, the applicant stated the carport was built in 2022. Chairperson Gutierrez asked if she requested a building permit. She responded no. Chairperson Gutierrez asked if she had someone build it and if that person knew about obtaining a permit. She stated she hired someone and did not mention anything about a permit.

Board member Avila asked if there was any space between the column and the fence. Ms. Saldana stated just a few inches.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the special

exception. There was no one else in favor of the special exception.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was someone in opposition of the special exception.

Board member Avila mentioned to staff that the applicant was willing to reduce the carport back five feet to clear the utility easements. Ms. Trevino stated yes. Staff stated a carport in the rear would not be feasible because the alley was not paved. When it rains, it was not safe to drive on.

Board member Rodriguez asked staff if the applicant was willing to move it inward to avoid the 6 feet. Ms. Trevino stated they did not discuss that with the applicant. When she submitted the application, she initially wrote a letter to move it five feet back to clear the utility easement. It was not until staff went to the side was she noticed it was encroaching into the 6 feet on the side.

Chairperson Gutierrez asked Ms. Saldana if she wanted to table the item until the next meeting in order to reconsider her request with staff. She responded yes.

Following discussion, Mr. Hugo Avila **moved** to table the special exception to reconsider your options with staff. Mr. Juan Mujica seconded the motion. The Board voted to table the special exception with five members present and voting.

- b) Request of Mario Ferron for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 18 feet by 20 feet, at Lot 43, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3409 Gardenia Avenue. (ZBA2023-0045)**

Ms. Trevino stated the applicant was requesting the special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport to provide protection for an individual with health concerns.

The subject property was located along the south side of Gardenia Avenue between North 34th and North 36th Streets. The Lot has 63.50 feet of frontage and a depth of 102.00 feet for a total square footage of 6,477 feet. The property is zoned R-1 (single-family residential) District. The surrounding land use is R-1 District in all directions.

Ponderosa Park Phase 6 Subdivision was recorded March 12, 2001. The plat states a 20 feet front yard setback. A stop work order was posted August 17, 2022. A building permit application was submitted October 10, 2022. A special exception application was submitted May 15, 2023. The applicant states the carport was built by a contractor but without a building permit.

The applicant was requesting a special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport. The carport is to provide protection from the sun exposure for a person with health concerns.

The front yard setback was 20 feet along Gardenia Avenue. Front yard setbacks help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

The plat for this subdivision indicated a 5 feet utility easement adjacent to the front property line and runs concurrently with the front yard setback. The carport appears to be encroaching into the utility easement. The utility easement abandonment process would need to be undertaken in order to attempt to resolve the 5 feet carport encroachment into the utility easement.

At the Zoning Board and Adjustment and Appeals meeting of June 7, 2023 a request for an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover was approved for Lot 74, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of August 17, 2022 a request for an encroachment of 15 feet into the 20 feet front yard setback for a proposed metal carport that was approved at Lot 12, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020, a request for an encroachment of 20 feet into the 20 feet, front yard setback for a proposed carport was approved for Lot 90, Ponderosa Park Phase 6 Subdivision.

There was an existing two-car garage that is part of the home that is used for storage of vehicles and other items.

Measurements provided are without benefit of a survey.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

Staff had not received any phone calls, emails, or letters in opposition to the special exception request.

Staff recommended disapproval of the request since the carport also appears to encroach into a 5 feet utility easement adjacent to the property line.

Chairperson Gutierrez asked staff the Stop Work Order that was issued last year, was it for the building of the carport. Staff responded yes. He asked staff what happened afterwards. Ms. Trevino stated the building permit was submitted a month or so later. To her knowledge, they might have continued with the construction or it might had been completed.

Mr. Mario Ferron, the applicant stated he noticed neighbors had a similar carport and asked for their contractor's information. Chairperson Gutierrez asked if the contractor ever mentioned about a building permit. Mr. Ferron responded no.

Board member Mujica asked Mr. Ferron how long had lived in his house. He stated 20 years. In addition, he asked when the carport was built. He stated 3 years. Mr. Ferron stated that years ago his wife had acquired a medical condition that does not allow her to be exposed to sun light for a period. She uses the garage to be able to have value time with her grandchild without being in the sun.

Following discussion, Vice-Chairperson Ann Tafel **moved** to table the special exception to reduce the columns back to be in compliance. Mr. Juan Mujica seconded the motion. The Board voted to table the item with five members present and voting.

- c) Request of Uriel Torres on behalf of Maria del Carmen Ruiz for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 feet into the 30 feet front yard setback for a proposed carport measuring 16 feet by 14 feet, at Lot 22, Rosa Linda Subdivision, Hidalgo County, Texas; 3401 Harvey Drive. **(ZBA2023-0046)**

Ms. Trevino stated the applicant was requesting the special exception to encroach 16 feet into the 30 feet front yard setback for a proposed carport that will provide protection from adverse weather.

The subject property was located along the south side of Harvey Drive, near the end of a cul-de-sac. The property has a Lot frontage of 65 feet and a depth of 130 feet for a total square footage of 8,450 feet. The property is zoned R-1 (single-family residential) District. The surrounding land use is R-1 (single family residential) District in all directions.

Rosa Linda Subdivision was recorded September 8, 1971. The plat shows a 30 feet front yard setback. An application for a building permit has not been submitted. An application for a special exception request was submitted on May 15, 2023.

The applicant was requesting the special exception to encroach 16 feet into the 30 feet front yard setback for a proposed carport that will provide protection for the property owner who was elderly. The applicant stated that the proposed carport will provide protection from inclement weather and lessen the possibility of slips and falls from rainfall on walking surfaces.

A windshield survey along Harvey Drive revealed only one carport constructed with a possible encroachment within Rosa Linda Subdivision; however, a review of Building Permits and Inspections records did not reveal a building permit for the construction.

Special exceptions are granted and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

There were no paved alley access to the subject property.

There were no utility easements running concurrently with the setback.

Staff had not received any phone calls, emails, or letters in opposition to the special exception request.

Staff recommended disapproval of the special exception request since carports are not characteristic of construction within the front yards of Rosa Linda Subdivision, and approval of the special exception request may encourage other property owners to build similar structures.

Mr. Uriel Torres, representing the applicant Maria Del Carmen Ruiz stated he wanted to build a carport for protection against inclement weather. In addition, his aunt who is disabled wanted to protect against falls pertaining to wet weather. He stated the front yard setback was 30.6 feet from the curb to the house. The carport would measure 16 feet by 14 feet wide. He also stated that from the neighbor it would be 7 feet side setback from the carport.

Chairperson Gutierrez asked Mr. Torres if there were any other carports in the neighborhood. Mr. Torres stated there two other carports.

Board member Avila explained to the applicant that the special exception does not run with the land. If for any reason, the owner sells the property the new owner would have to come before this Board to keep the carport. Otherwise, they would have to take it down.

Board member Rodriguez asked staff if the applicant plans to connect the carport to the house would the front setback measurements change since it will be one structure. Ms. Trevino stated the front yard setback would be 30 feet regardless. The house was built at 30 feet. Whether the applicant wants to attach or not attach the carport the only remedy was the encroachment into the front yard setback.

Following discussion, Vice-Chairperson Ann Tafel **moved** to approve the special exception per staff's recommendation. Mr. Sam Saldivar seconded the motion. The Board voted to approve the special exception with four members voting aye and one member, Rogelio Rodriguez voting nay.

3. FUTURE AGENDA ITEMS:

- a)** 1100 South 10th Street
- b)** 305 Cornell Avenue
- c)** 100 Fern Avenue
- d)** 2721 Upas Avenue
- e)** 2752 Judith Avenue
- f)** 2107 Jackson Avenue
- g)** 9401 North 10th Street
- h)** 2820 North 30th Street
- i)** 4105 Zinnia Avenue
- j)** 5101 South 29th Street
- k)** 4319 North 26th Lane
- l)** 2909 Tamarack Avenue
- m)** 2524 Goldcrest Avenue
- n)** 1400 Westway Avenue

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

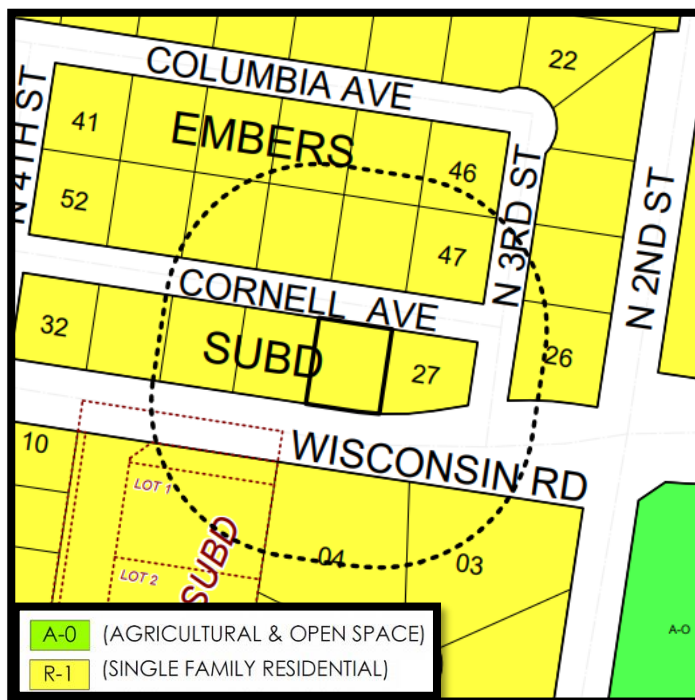
FROM: Planning Staff

DATE: June 22, 2023

SUBJECT: Request of Adan Pena on behalf of Thirumurugan Gopalasamy for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet and 7 inches into the 25 feet rear yard setback for a swimming pool at Lot 28, Embers, Hidalgo County, Texas; 305 Cornell Avenue. **(ZBA2023-0049)**

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 5 feet and 7 inches into the 25 feet rear yard setback for a proposed swimming pool. The swimming pool is for recreational purposes measuring 19.5 feet by 10.6 feet.

PROPERTY LOCATION AND VICINITY: The subject property is located north of Wisconsin Road and west of North 2nd Street. The zoning of the subject property is zoned R-1 (single family) District. The surrounding land use is single family residences.



BACKGROUND AND HISTORY: The Embers Subdivision was recorded on June 6, 2016. The site plan provided shows a proposed home and a swimming pool encroaching 5 feet and 7 inches into the 25 feet rear yard setback. A building permit for both the home and swimming pool have not been submitted. A variance was requested on May 19, 2023.

ANALYSIS: The plat indicates lots 1 through 5 and 23 through 32 have a 25 rear yard setback. The rear setback for these lots are much greater than the other lots within the Embers Subdivision. The proposed swimming pool would be sitting on lot 28. Lot 28 does have a 15 ft. utility easement. The swimming pool would not encroach into the easement. Should the request be approved, it will only approve of the 5 feet and 7 inches encroachment into the 25 feet setback.

The applicant is aware should the variance request be approved a building permit for the home should be submitted first.

A review of the Planning Department records did reveal approved variances for lots with the same rear yard setback and similar request.

Staff has not received any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION: Staff recommends approval of the variance request as there are other approved variances in the area.

I PERMIT ADAN PENA TO SPEAK ON MY BEHALF

05/19/23

ZBOA:
7/13/23



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF

ZBA 2023-0049

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

| | |
|----------------------|---|
| Project | Legal Description <u>Lot # 28</u> |
| | Subdivision Name <u>EMBERS</u> |
| Project | Street Address <u>305 CORNELL AVE. MCALLEN, TX 78504</u> |
| | Number of lots <u>1</u> Gross acres <u>0.247</u> |
| Project | Existing Zoning <u>R-1</u> Existing Land Use <u>Residential</u> |
| | Reason for Appeal (please use other side if necessary) <u>TO BUILD A PATIO & A SWIMMING POOL IN MY BACKYARD. 5'7" ENCRoACHED INTO 25' SETBACK</u> |
| Project | <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) |
| | <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required |
| Applicant | Name <u>ADAN PENA</u> Phone <u>(956) 243-0145</u> |
| | Address <u>1805 Ruben M. Torres, Suite 23</u> E-mail <u>adanpena01@gmail.com</u> |
| Applicant | City <u>Brownsville</u> State <u>TX</u> Zip <u>78526</u> |
| | |
| Owner | Name <u>THIRUMURUGAN GOPALASAMY</u> Phone <u>(956) 792-3064</u> |
| | Address <u>401 Downing Ave, Apt 4</u> E-mail <u>thirug77@gmail.com</u> |
| Owner | City <u>EDINBURGH</u> State <u>TX</u> Zip <u>78539</u> |
| | |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| | I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>[Signature]</u> Date <u>05/19/23</u> Print Name <u>THIRUMURUGAN GOPALASAMY</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent |
| Office | Accepted by _____ Payment received by _____ Date <u>ENTERED</u> |
| | Rev 09/20 MAY 19 2023 Name: <u>DM</u> |

MS KS

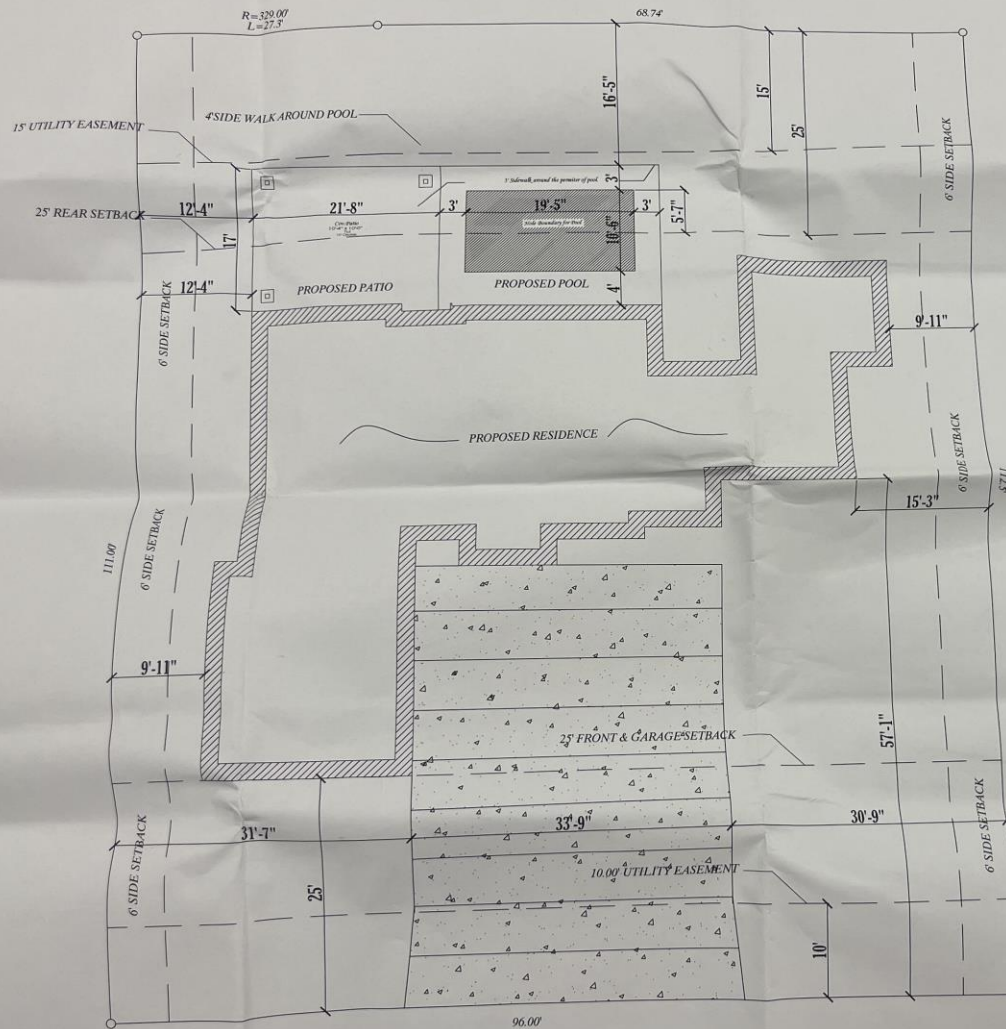


City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

| | | |
|--|---|-------|
| Reason for Appeal | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider <u>any combination of</u> the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> | |
| | 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: | |
| | - REAR SETBACK FOR USE OF POOL/PATIO AS PER PLAN | |
| | - HOME TAKES UP THE WHOLE AREA | |
| | - MINIMAL ENCROACHMENT 5'7" INTO 25' SETBACK | |
| | 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: | |
| | RECREATIONAL PURPOSES ONLY | |
| | 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: | |
| | NOT TO MY KNOWLEDGE | |
| | 4. Describe special conditions that are unique to this applicant or property: | |
| Board Action | I HAVE THE BACK RD WISCONSIN WHICH REQUIRES A 25' SETBACKS AS TO OTHER PROPERTIES IN SUBDIVISION DO NOT HAVE A 25' SETBACK. | |
| | | |
| | | |
| Chairman, Board of Adjustment Signature | | Date |
| _____ | | _____ |



NEW PROPOSED CONSTRUCTION FOR:
THIRUMURUGAN GOPALASAMY
 CITY OF
 EDINBURG, TX

DRAWING INDEX:

| SHEET NO. | DRAWING LIST |
|-----------|--|
| A-1 | COVER SHEET/ SITE PLAN |
| A-2 | 1ST FLOOR PLAN PROPOSAL / FRONT ELEVATION PROPOSAL |
| A-2 | 2ND FLOOR PLAN PROPOSAL |

LOT DESCRIPTION

LOT 28, THE EMBERS SUBDIVISION (GATED COMMUNITY)
 EDINBURG, TX

ADDRESS: 305 CORNELL AVE, MCALLEN TEXAS

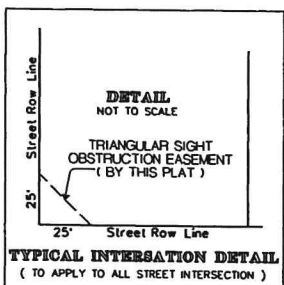
Site Plan
 scale 1/8" = 1'

MAP

New Construction for
Thirumurugan Gopalasamy

MAP Design and Construction, LLC
 2564 F. M. ... Drive

DATE: _____
 SCALE: _____
 DRAWN: _____
 JOB: _____
 SHEET: _____



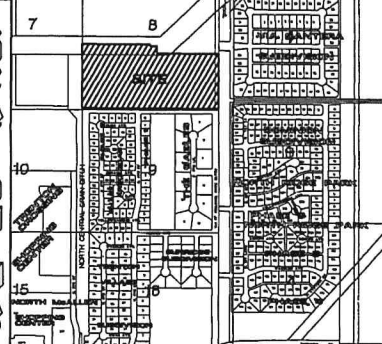
October 20, 2015
1"=100'



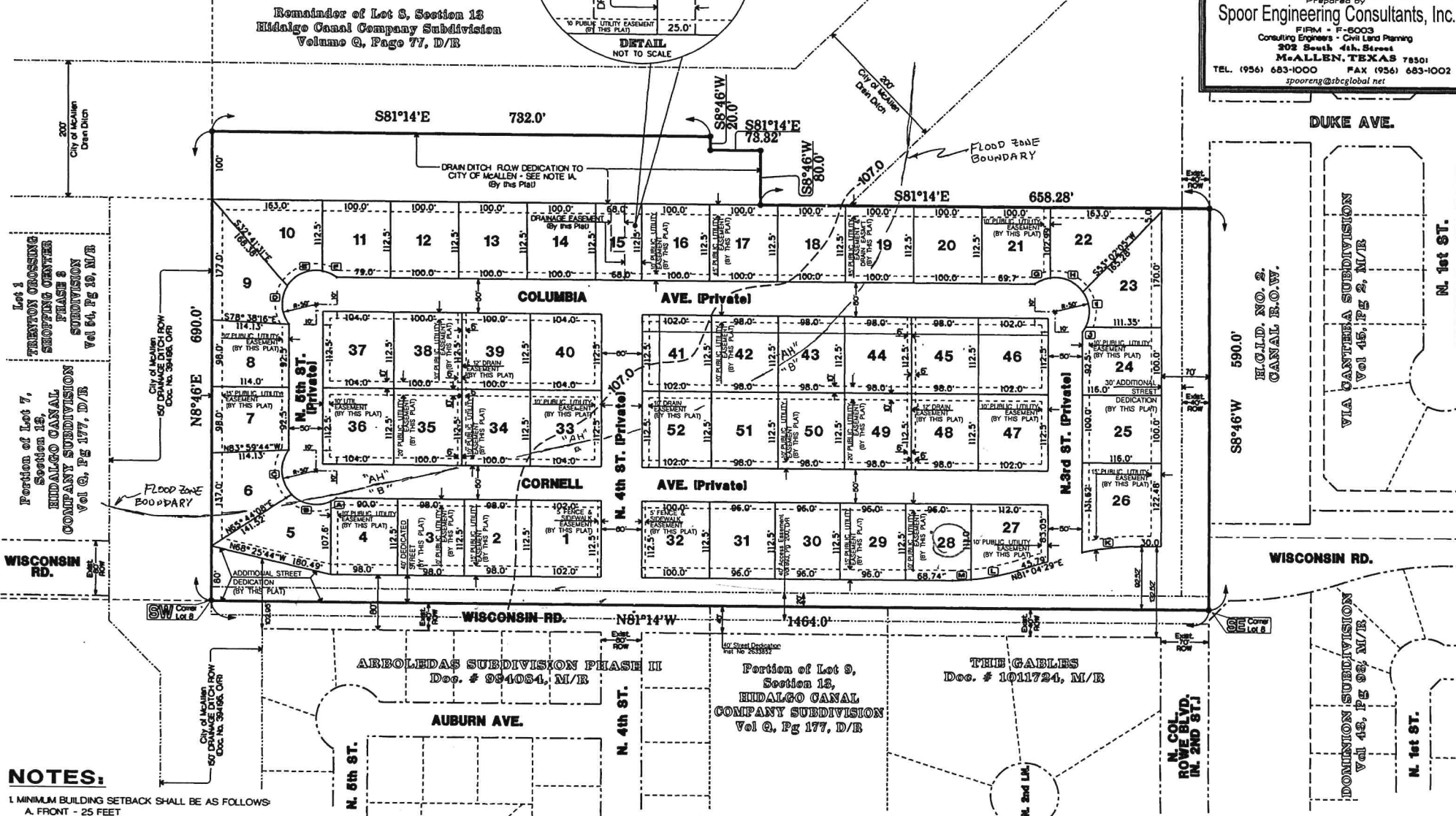
MAP OF THE EMBERS SUBDIVISION (GATED COMMUNITY)

BEING A SUBDIVISION OF A 21.64 ACRES OF LAND OUT OF LOT 8, SECTION 13, HIDALGO CANAL COMPANY SUBDIVISION, of Porciones 64, 65, and 66, Hidalgo County, Texas recorded in vol. Q, page 177, Deed Records Hidalgo County, Texas.

LOCATION MAP



Prepared by
Spoor Engineering Consultants, Inc.
FIRM # F-6003
Consulting Engineers - Civil Land Planning
302 South 4th Street
McAllen, Texas 78501
TEL. (956) 683-1000 FAX (956) 683-1002
spooreng@sbcglobal.net



NOTES:

- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
A. FRONT - 25 FEET
B. CORNER - 10 FEET OR GREATER FOR EASEMENTS
C. GARAGE - 18 FEET EXCEPT WHERE GREATER IS REQUIRED, GREATER APPLIES
D. REAR -
a. Lots 1 through 5 and 23 through 32 - 25 feet
b. Lots 6 through 22 - 15 feet minimum
c. Lots 33 through 52 - 10 feet minimum
E. OTHERS - IN ACCORDANCE WITH ZONING ORDINANCE OR TO EASEMENT LINE, WHICHEVER IS GREATER
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT, OR ELEV. 107.0, WHICHEVER IS HIGHER.
- THIS PROPERTY FALLS IN ZONE "B" AND "AH" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 480 334 0425C, REVISED NOVEMBER 16, 1982.
- A 6 FT. OPAQUE BUFFER IS REQUIRED FROM ADJACENT BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONES/USES. AN 8 FT. MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- A 4 FT. SIDEWALK IS REQUIRED ALONG THE NORTH SIDE OF WISCONSIN ROAD, THE WEST SIDE OF NORTH COL. ROWE BLVD, AND ALONG BOTH SIDES OF NORTH 3RD STREET, NORTH 4TH STREET, NORTH 5TH STREET, CORNELL AVENUE, AND COLUMBIA AVENUE.
- BENCHMARK - STATION NAME: MC 51 SET BY ARANDA AND ASSOC. LOCATED AT THE NORTHWEST CORNER OF WISCONSIN RD AND DRAIN DITCH ELEV: 107.56 (NAVD83)
- OWNER IS REQUIRED TO PROVIDE AND ENGINEERED STORM WATER DETENTION PLAN APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMIT. MASTER DRAINAGE AND DETENTION IS ON FILE AT THE CITY ENGINEERING DEPARTMENT.
- STORM WATER DETENTION REQUIRED IS 234 ACRE-Feet. TO BE PROVIDED IN CITY DRAIN DITCH - NORTH SIDE OF SUBDIVISION
- A 6.0 FT. OPAQUE BUFFER IS REQUIRED, ALONG
N. COL. ROWE BLVD. AND ALONG WISCONSIN RD.
ALONG N. 2ND ST., ACCESS, OR LOT FRONTAGE PERMITTED
ALONG N. 2ND ST. AND WISCONSIN RD.
IT IS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE EMBERS SUBDIVISION RECORDED AS DOCUMENT NO. 2113425, HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNERS ASSOCIATION/OWNERS, THEIR SUCCESSORS AND/OR ASSIGNEES; AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE, AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 SHALL BE NULL AND VOID
- A 25 FT. BY 25 FT. SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT ALL STREET RIGHTS-OF-WAY INTERSECTIONS. (SEE DETAIL AT TOP OF PAGE)
- LOT 15 IS A COMMON AREA, OWNED BY DEVELOPER/HOMEOWNERS ASSOCIATION.

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE AUTHORIZED OFFICER OF THE HOLDER OF A SECURITY INTEREST IN THE LAND SHOWN ON THIS PLAT AS THE EMBERS SUBDIVISION IN THE CITY OF McALLEN, TEXAS HEREBY CONSENT AND PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE LAND SHALL BE SUBJECT TO THE PLATTING AS PROVIDED HEREIN.

IBJ FAMILY LIMITED PARTNERSHIP
By: MVP Management Trust, Gen. Partner
Chad Tolar, Successor Trustee
4311 N. McCaffrey
McAllen, Texas 78501

Jorge Luis Ambrano
Notary Public, State of Texas
Comm. Expires 01-21-2019
Notary ID: 130084148

BEFORE ME, APPEARED CHAD TOLAR, SUCCESSOR TRUSTEE FOR HOLDER, KNOWN TO ME AND EXECUTED SAME FOR PURPOSES STATED THIS 10th DAY OF JUNE 2016.

Jorge Luis Ambrano
NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, HOLDER(S) OR DULY AUTHORIZED OFFICERS OF THE HOLDERS(S) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE EMBERS SUBDIVISION OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

INTER NATIONAL BANK
By:
Maria Espartero, Executive Vice President

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARIN ESPINOSA, EXECUTIVE VICEPRESIDENT OF INTER NATIONAL BANK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 10th DAY OF JUNE 2016.

NOTARY PUBLIC

DAVID TYAN RAMOS
Notary Public, State of Texas
Comm. Expires 01-22-2020
Notary ID: 130086672

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE CITY OF McALLEN AND THOSE WHO MY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS, ALLEYS AND EASEMENTS THERE ON SHOWN, AND SURFACE USE OF THE STREETS AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF McALLEN EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF McALLEN AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS, EXCEPT WISCONSIN ROAD AND N. COL. ROWE BLVD., WHICH ARE BEING DEDICATED FOR PUBLIC USE BY THIS PLAT.

IBJ Family Limited Partnership
By: MVP Management Trust, Gen. Partner
Chad Tolar, Successor Trustee
4401 N. McCaffrey
McAllen, TX 78501

Jorge Luis Ambrano
Notary Public, State of Texas
Comm. Expires 01-21-2019
Notary ID: 130084148

STATE OF TEXAS
COUNTY OF HIDALGO
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

STATE OF TEXAS
COUNTY OF HIDALGO
I, STEPHEN SPOOR, REGISTERED PROFESSIONAL LAND SURVEYOR # 4608 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR # 4608 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT UNDER TEX. WATER CODE 45.26(k) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION; BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA, IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

CURVE DATA

| LINE | NO. | RADIUS | LENGTH | ANGLE | CHORD | CHORD-BEARING |
|------|-----|--------|--------|-----------|--------|---------------|
| 1 | A | 60.0' | 9.40' | 10°46'14" | 9.89' | N67°16'41"E |
| 2 | B | 60.0' | 82.04' | 71°08'55" | 88.14' | S71°14'39"E |
| 3 | C | 60.0' | 71.48' | 61°52'18" | 68.87' | S04°14'20"W |
| 4 | D | 60.0' | 59.88' | 60°37'11" | 64.97' | S06°32'24"W |
| 5 | E | 60.0' | 59.88' | 58°37'11" | 64.97' | S74°19'38"W |
| 6 | F | 60.0' | 23.12' | 28°29'46" | 23.92' | N87°58'56"W |
| 7 | G | 60.0' | 23.12' | 28°29'46" | 23.92' | N87°58'56"W |
| 8 | H | 60.0' | 54.45' | 62°28'45" | 58.80' | N88°04'48"W |
| 9 | I | 60.0' | 54.45' | 62°28'45" | 58.80' | N88°04'48"W |
| 10 | J | 60.0' | 5.83' | 10°14'44" | 5.83' | N40°34'30"E |
| 11 | K | 409.0' | 56.65' | 12°08'17" | 86.48' | S87°18'09"E |
| 12 | L | 829.0' | 69.94' | 12°10'46" | 86.5' | S87°09'52"E |
| 13 | M | 829.0' | 27.8' | 04°48'19" | 27.8' | S84°22'08"W |

IRREGULAR LOT AREA

| LOT NO. | AREA |
|---------|----------------|
| 4 | 11,004 Sq. Ft. |
| 5 | 11,875 Sq. Ft. |
| 6 | 11,815 Sq. Ft. |
| 7 | 10,889 Sq. Ft. |
| 8 | 10,889 Sq. Ft. |
| 9 | 12,785 Sq. Ft. |
| 10 | 18,012 Sq. Ft. |
| 11 | 11,185 Sq. Ft. |
| 12 | 11,114 Sq. Ft. |
| 13 | 12,841 Sq. Ft. |
| 14 | 18,425 Sq. Ft. |
| 15 | 11,581 Sq. Ft. |
| 16 | 14,465 Sq. Ft. |
| 17 | 11,125 Sq. Ft. |
| 18 | 10,785 Sq. Ft. |

METES & BOUNDS

A 2164 ACRE TRACT OF LAND OUT OF LOT 8, NORTHEAST - SECTION 13, HIDALGO CANAL CO. SUBDIVISION, OF PORCIONES 64, 65, AND 66, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME Q PAGE 177, DEED RECORDS, HIDALGO COUNTY TEXAS.

BEING, at the Southwest corner of Lot 8, for the Southwest corner of the following described tract of land, said point being on the East line of City of McAllen Drain Ditch R.O.W.,

THENCE, with the West line of Lot 8 and the East line of said drain ditch, North 05 Deg. 45 Min. East at 590.0 feet to the South line of Hidalgo County Drain R.O.W., and at 690.0 feet a point for the most northerly Northeast corner hereof.

THENCE, parallel to the South line of Lot 8, in said drain ditch, South 51 Deg. 14 Min. East, 732.0 feet to a point for the most northerly Northeast corner hereof.

THENCE, parallel to the West line of Lot 8, in said drain ditch, South 05 Deg. 45 Min. West, 20.0 feet to a point for an interior corner hereof.

THENCE, parallel to the South line of Lot 8, South 51 Deg. 14 Min. East, 732.0 feet to a point for the most northerly Northeast corner hereof.

THENCE, parallel to the West line of Lot 8, South 05 Deg. 45 Min. West, 80.0 feet to a point for an interior corner hereof, said point being on the South line of said Hidalgo County drain ditch.

THENCE, with the South line of said drain ditch and its projection, South 51 Deg. 14 Min. East, at 692.0 feet to the West line of North 2nd Street and at 656.26 feet a point on the East line of Lot 8, for the most southerly Northeast corner hereof, said point being on the East line of North 2nd Street.

THENCE, with the East line of Lot 8, and the East line of North 2nd Street, South 05 Deg. 45 Min. West, 590.0 feet to the Southwest corner of Lot 8, for the Southwest corner hereof.

THENCE, with the South line of Lot 8, North 51 Deg. 14 Min. West, at 40.0 feet to the West line of North 2nd Street, and at 184.0 feet the POINT OF BEGINNING, Containing 2164 acres of land, more or less.

THE EMBERS SUBDIVISION (GATED COMMUNITY) SUBDIVISION DO HEREBY GRANT AN EASEMENT TO THE CITY OF McALLEN AND THOSE WHO MY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY, THE USE OF THE STREETS, ALLEYS AND EASEMENTS THERE ON SHOWN, AND SURFACE USE OF THE STREETS AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF THE CITY OF McALLEN EMPLOYEES OF UTILITIES OPERATING UNDER FRANCHISE TO THE CITY OF McALLEN AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS, EXCEPT WISCONSIN ROAD AND N. COL. ROWE BLVD., WHICH ARE BEING DEDICATED FOR PUBLIC USE BY THIS PLAT.

RGV Grandeur Homes, LLC
a Texas Limited Liability Company
By: Marco Garcia, Manager/Pres.
4801 N. 10th St.
McAllen, Texas 78504

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARCO GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE (SHE) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 10th DAY OF February, 2016.

Paula Reyes
Notary Public, State of Texas
Comm. Expires 01-21-2017
Notary ID: 130084148

CHAIRMAN, PLANNING COMMISSION
04/14/16
DATE

Carlos Vasquez, RLS # 4608
CVO LAND SURVEYORS LLC
517 BEAUMONT ST.
McALLEN, TEXAS 78501
TEPL FIRM NO. 1019600

SPoor Engineering Consultants, Inc.
Registration # F-6003
REGISTERED PROFESSIONAL ENGINEER
P. E. REGISTRATION No. 56752

James E. Darling
MAYOR, CITY OF McALLEN
4/8/16
DATE

DAVID TYAN RAMOS
Notary Public, State of Texas
Comm. Expires 01-22-2020
Notary ID: 130086672
4/27/16
DATE
BY: RAUL E. GONZALEZ, P.E., C.F.M.
GENERAL MANAGER



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE,

McALLEN, TEXAS 78504

PH: (956) 618-5585

FAX: (956) 618-5540

CORNELL AVE.

(50' ROW-DOC. #2718358, M/R)
(PRIVATE)388' to
N. 4th ST.

S81°14'E

96.0'

BOC

INLET

ROW

BOC

ROW

112.5'

10' UTILITY
EASEMENT25' FRONT &
GARAGE SETBACK

WATER METER

111.0'

6' SIDE SETBACK
(ZONING ORD.)

6'

6' SIDE SETBACK
(ZONING ORD.)

LOT 29

LOT 28

(10,785 S.F.)

(VACANT)

LOT 27

10' AEP ESMT.
(DOC. #2637697, O/R)

10'

N8°46'E

2.0'

15' UTILITY
EASEMENT25' REAR
SETBACKBLOCK/STONE
PILLAR (TYP.)ELEC. PED.
T.V. PED.

S8°46'W

ROW

BOC

ROW

BOC

N81°14'W

68.74'

WISCONSIN RD.

(V. 893, P. 200, D/R &
DOC. #2718358, O/R)Δ=04°45'19"
R=329.0'
L=27.3'

FLOOD ZONE DESIGNATION: The structure shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480334-0425-C dated 11-18-82.

PLAT NOTES:

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or viable or apparent easements, except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.F. # 173354 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
- This survey must contain an embossed seal and an original signature to be valid as per Section 661.48 and Section 663.19 of the "The Professional Land Surveying Practices Act".
- This is a standard survey and does not include the location or subsurface investigation of underground utility, irrigation and/or gas lines.
- Statutory easements, rules, regulations and rights in favor of Hidalgo County Water Improvement District No. 3. (Blanket)
- Easements for roadways and drainage rights of ways as shown by instrument dated November 1, 1909, recorded in Volume 3, Page 440 and dated March 1, 1920, recorded in Volume 106, Page 183, Deed Records of Hidalgo County, Texas. (Blanket)
- Terms, stipulations and conditions contained in instrument executed by Hidalgo County Water Improvement District No. 3 dated December 19, 2011, filed December 29, 2011 under Document Number 2011-2268674, 2011-2268679, Official Records of Hidalgo County, Texas.
- No curb cut, access or lot frontage allowed onto Wisconsin Road, according to the map or plat thereof filed June 6, 2016 under Document No. 2718358, Map Records, Hidalgo County, Texas.
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "S. line of Lot '28, The Embers Subdivision (Gated Community)"
- Borrower(s): Armando Alvarez and Natalia Villalobos Alvarez

LEGEND

- - DENOTES FOUND 1/2" ROD
- ⊙ - DENOTES SET 1/2" ROD
- - DENOTES NO MONUMENT
- ROW - DENOTES RIGHT OF WAY
- BOC - DENOTES BACK OF CURB

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE GROUND WHICH IS LOCATED AT 305 CORNELL AVE., In McALLEN, TEXAS, DESCRIBED AS FOLLOWS:

ALL OF LOT 28, THE EMBERS SUBDIVISION (GATED COMMUNITY), AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF FILED JUNE 6, 2016, UNDER DOCUMENT NUMBER 2718358 IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

21-60641
Job No.05-21-21
Date

© COPYRIGHT 2021 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

Registered Professional Land Surveyor No. 4802





Memo

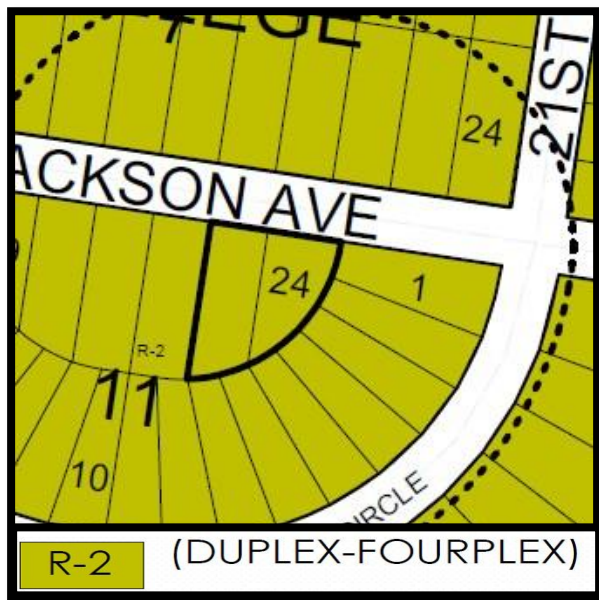
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 7, 2023

SUBJECT: REQUEST OF CYNTHIA ZIMMERMAN ON BEHALF OF WORLD GOSPEL MISSION FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 13.5 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET BY 20 FEET, AT LOTS 23 AND 24, BLOCK 11, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2107 JACKSON AVENUE. (ZBA2023-0053)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 13.5 feet into the 20 feet front yard setback, for a proposed carport measuring 20 feet by 20 feet. The applicant stated that the tenants that reside at the apartments would use the carport for shade. The tenants are also works at Taylor Christian School and Taylor Community Center, which are ministries associated with World Gospel Mission.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Jackson Avenue just west of South 21st Street. The property is zoned R-2 (duplex-fourplex residential) District. There is R-2 district in all directions.

BACKGROUND AND HISTORY: College Heights Subdivision was recorded December 28, 1926.

There is a 20 feet front yard setback as per of the Zoning District. An application for a building permit has not yet been submitted. The special exception application was submitted May 22, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 13.5 feet into the 20 feet front yard setback for a proposed carport measuring 20 feet by 20 feet in order to protect the tenants (who are also workers for the ministry) from the weather elements.

The encroachment request by the applicant is 13.5 feet however, after review of the submitted site plan shows the actual encroachment to be 8.5 feet based on a 20 feet front yard setback.

There is an existing parking area on the front and side of the building where two carports will be constructed. The special exception request is for the carport to be constructed along the north side of the building adjacent to Jackson Avenue.

During a site visit, staff noticed several other carports within the block that may not have building permits or special exceptions.

At the Zoning Board and Adjustments and Appeals meeting of June 3, 2020 the Board unanimously approved an encroachment of 20 feet into the 20 feet front yard setback for a carport at Lot 14.

At the Zoning Board and Adjustments and Appeals meeting of July 6, 2017 the Board unanimously approved an encroachment of 20 feet into the 20 feet front yard setback for a carport at Lot 11.

At the Zoning Board and Adjustments and Appeals meeting of November 17, 2021 the Board unanimously approved an encroachment of 20 feet into the 20 feet front yard setback and 3 feet into the 6 feet side yard setback for a carport at Lots 13 & 14.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends approval of the request since in the past there have been other approvals for carports within this subdivision. Various types of building encroachments are characteristic of College Heights Subdivision as the subdivision was established in 1926.

2304
7/13/23



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

23A2023-0053

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description College Heights Lots 23+24 BIK 11

Subdivision Name College Heights

Street Address 2107 W Jackson Ave.

Number of lots 2 Gross acres .2322

Existing Zoning Residential Existing Land Use 4plex housing

Reason for Appeal (please use other side if necessary) Carports are necessary to protect the resident's cars.

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Cynthia Zimmerman Phone 865-724-7892

Address 2107 W. Jackson Ave. Apt. A E-mail cynthia.zimmerman@wgm.org

City McAllen State TX Zip 78501

Owner

Name World Gospel Mission Phone 956-645-7403

Address 2108 W. Jackson Ave. E-mail tmbmtreasurer@gmail.com

City McAllen State TX Zip 78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

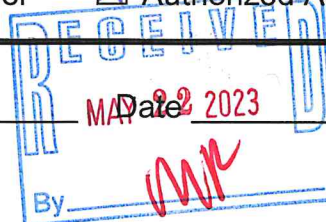
Signature Priscilla J. Kunkle Date 4/6/2023

Print Name Priscilla J. Kunkle ☐ Owner ☒ Authorized Agent

Office

Accepted by AS

Payment received by _____ Date 4/2/2023



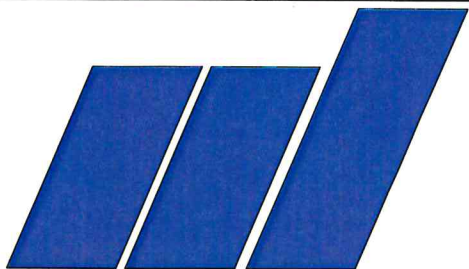


City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | |
|-------------------|---|
| | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> |
| | <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>Currently vehicles are not restricted from parking in the area of concern, but this variance would allow both vehicles to have adequate roof coverage for shade.</p> |
| | <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>The carport needs to be wide enough for two vehicles to park under (there are two apartments on the front side of the building), and have shade.</p> |
| | <p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p>The carport will not interfere with pedestrian travel on the sidewalk next to the Jackson Ave. as it will still be 12.5' from the city sidewalk (South right of way)</p> |
| | <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>The apartments are owned by ^{World Gospel Mission,} and used by our employees of World Gospel Mission or ministry workers.</p> |
| Board Action | |
| | |
| | |
| | <div>Chairman, Board of Adjustment Signature</div> <div>Date</div> |
| | |



CITY OF MCALLEN

Planning Department

Variance request

LEGAL DESCRIPTION: College Heights Lots 23 and 24
Bk 11

PROPERTY ADDRESS: 2107 W. Jackson Avenue, McAllen

CASE NUMBER: : _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

Applicant's Signature Cynthia J.

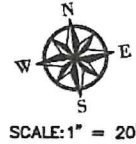
Print Name Cynthia Zimmerman

Address 2107 W. Jackson Ave, Apt. A
McAllen, TX 78501

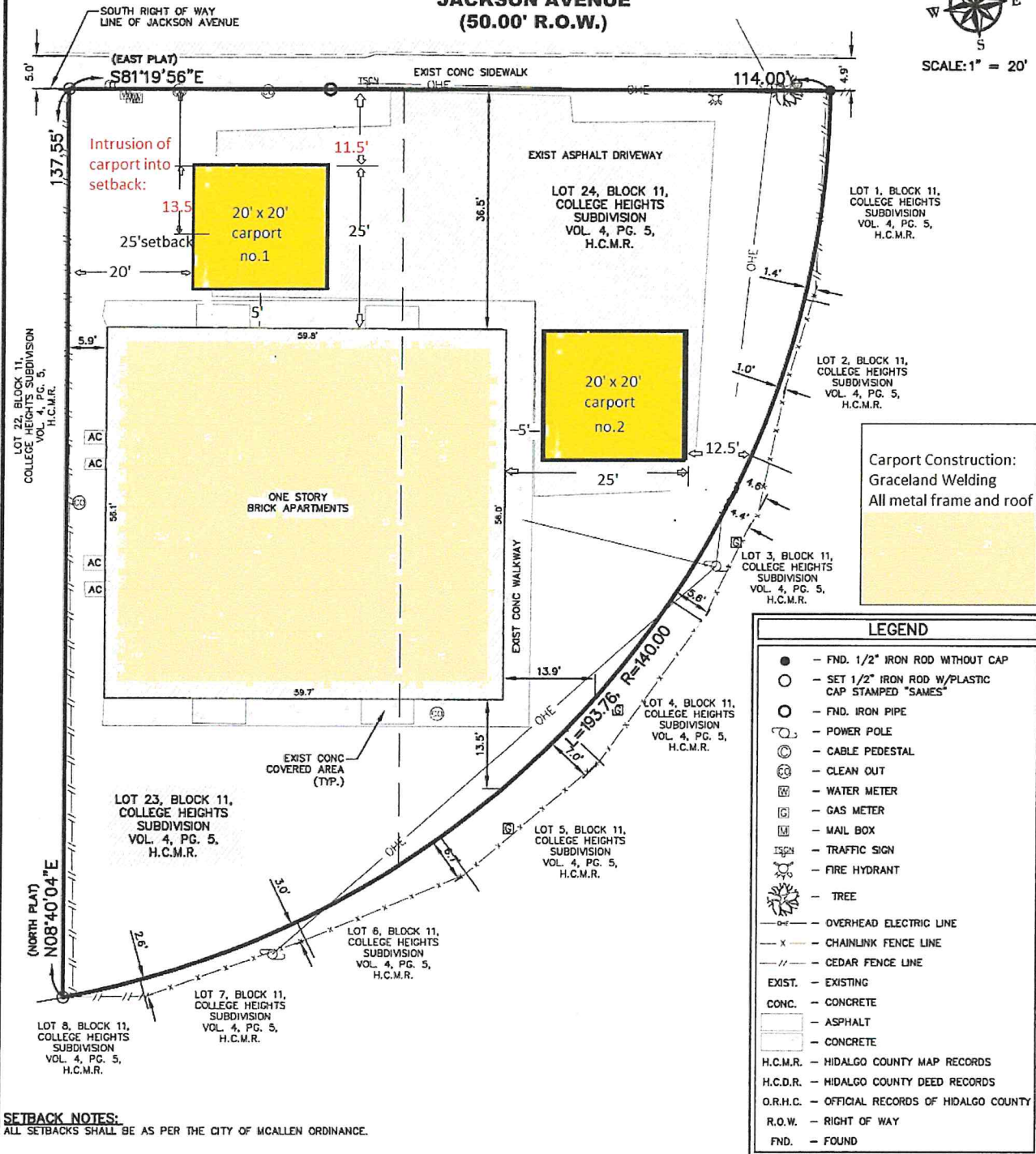
Phone (865) 724-7892 e-mail Cynthia.Zimmerman
@wgm.org

2107 W. Jackson Ave,
McAllen, TX 78501

**JACKSON AVENUE
(50.00' R.O.W.)**



SCALE: 1" = 20'



SETBACK NOTES:
ALL SETBACKS SHALL BE AS PER THE CITY OF MCALEN ORDINANCE.

GENERAL NOTES:
ADDRESS: 2107 JACKSON AVENUE, MCALEN, TEXAS 78501
SURVEYED: FEBRUARY 9, 2023
REQUESTED BY: PRICILLA KUNKLE- PRIVATE CLIENT
OWNER: WORLD GOSPEL MISSION

FLOOD ZONE DESIGNATION: "C" - AREAS OF MINIMAL FLOODING.

COMMUNITY-PANEL NUMBER: 480343 0010 C
MAP REVISED: NOVEMBER 2, 1982

I, LEO L. RODRIGUEZ, JR., CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY AND THAT THERE ARE NO VISIBLE OR APPARENT EASEMENTS, DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN ON THIS PLAT. NO SUBSURFACE UTILITIES OR SERVICE CONNECTIONS ARE SHOWN. © COPYRIGHT 2018 SAM ENGINEERING & SURVEYING. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE BORROWER NAMED HEREON. IN CONJUNCTION WITH THE ORIGINAL TRANSACTION WHICH SHALL TAKE PLACE WITHIN 6 MONTHS AFTER THE SURVEY WAS COMPLETED, NO

SURVEY NOTES:

1. BASIS OF BEARING THE SOUTH RIGHT OF WAY LINE OF JACKSON AVENUE, COLLEGE HEIGHTS SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 5, MAP RECORDS, HIDALGO COUNTY, TEXAS.

2. ALL COORDINATES, BEARINGS, AND DISTANCES, ARE BASED ON THE TEXAS COORDINATE SYSTEM, (NAD 83), TEXAS STATE PLANES, SOUTH ZONE, US SURVEY FEET, GRID. BEARINGS AND DISTANCES SHOWN IN PARENTHESIS ARE BASED ON RECORDED DOCUMENT.

3. ALL HORIZONTAL CONTROL ON THIS PROJECT WAS ESTABLISHED UTILIZING RTK GPS METHODS.

4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS THAT ARE NOT SHOWN.

THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS.

5. SUBJECT TO THE SUBDIVISION RULES AND REGULATIONS OF THE COUNTY OF HIDALGO AND ORDINANCES OR GOVERNMENTAL REGULATIONS OF THE CITY IN WHICH THE PROPERTY MAY BE LOCATED OR HOLDING EXTRA TERRITORIAL

RECEIVED
MAY 22 2023





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0053
CITY OF McALLEN PLANNING DEPT.
956-681-1230
WWW.MCALLENNET.ORG

Memo

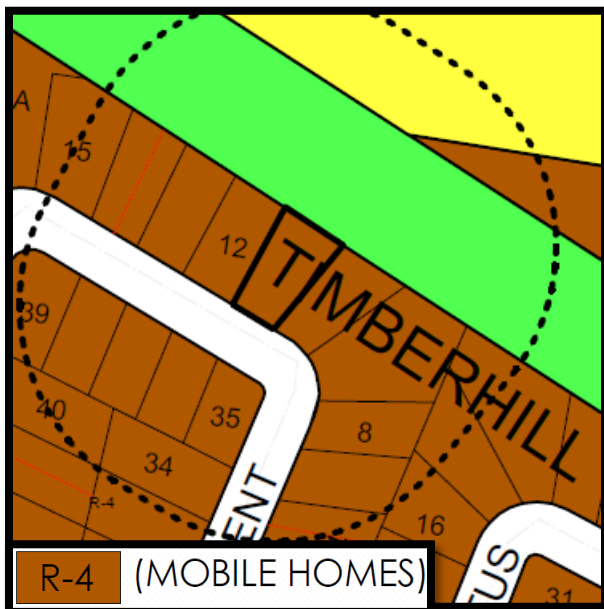
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 6, 2023

SUBJECT: REQUEST OF GEORGE CRAFT FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 18 FEET BY 20 FEET, AT LOT 11, TIMBERHILL VILLA SUBDIVISION UNIT 4, HIDALGO COUNTY, TEXAS; 9401 NORTH 10TH STREET UNIT 4-11. (ZBA2023-0054)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 10 feet into the 10 feet front yard setback for a proposed carport for the protection of the resident and his vehicles from the weather elements.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Karels Crescent in Timberhill Subdivision Unit No. 4. The property is zoned R-4 (mobile home and manufactured home) District. There is R-4 district in all directions except to the north, there is A-O (agricultural and open space) District.

BACKGROUND AND HISTORY: Timberhill Villa Subdivision Unit No.4 was recorded in March 1978. The front yard setback is 10 feet as per ordinance. An application for a building permit has not been submitted. The special exception application was submitted May 25, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 10 feet into the 10 feet front yard setback for a proposed carport to provide protection for a person with disabilities (as per application) and his vehicles from the weather elements.

During a site visit, staff noticed that there were several other carports within Timberhill Villa Subdivision Unit 4. A review of Building Inspections Department did not reveal building permits for the structures. A review of Planning Department records revealed one variance request granted on October 9, 1998 for a carport to be built to the property line at Lot 1 of this same subdivision.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends approval of the request since there has been a similar request approved along this same block.

ZBA2023-005A

ZBA.
7/13

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

| | | | | |
|---------------|--|---|---|------------------------------|
| Project | Legal Description | <u>TIMBERHILL VILLA UT No 4 LOT 11</u> | | |
| | Subdivision Name | <u>TIMBERHILL VILLA</u> | | |
| | Street Address | <u>9401 N. 10th ST Unit 4-1</u> | | |
| | Number of lots | <u>0</u> | Gross acres | <u>0</u> |
| | Existing Zoning | <u>R-4</u> | Existing Land Use | <u>R-4</u> |
| Applicant | Reason for Appeal (please use other side if necessary) | <u>Proposed CARPORT</u> <u>ENCROACHING 10 FEET INTO THE 10 FEET FRONT YARD</u> | | |
| | <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required | | | |
| | Name | <u>George CRAFTS</u> | Phone | <u>(956) 624-7248</u> |
| | Address | <u>9401 N. 10th ST Unit 4-1</u> | E-mail | <u>georges1946@yahoo.com</u> |
| | City | <u>McALLEN</u> | State | <u>TX</u> Zip <u>78504</u> |
| Owner | Name | <u>SAME</u> | | |
| | Address | | | |
| | City | State Zip | | |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| | I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. | | | |
| | Signature | <u>George S Crafts</u> | Date | <u>May 25 2023</u> |
| Office | Print Name | <u>George S CRAFTS</u> | <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent | |
| | Accepted by | <u>[Signature]</u> | Payment received by | <u>[Signature]</u> |

Rev 09/20





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

| | |
|-------------------|---|
| Reason for Appeal | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> |
| | <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>PROTECTION OF VEHICLE, WE HAVE NO GARAGE HUSBAND DISABLED SO COVERING DURING BAD WEATHER</p> |
| | <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>JUST FOR PROTECTION OF VEHICLE AND US.</p> |
| | <p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p>WILL NOT INFRINGE ON NEIGHBORS PROPERTY NOR IMPEDE TRAFFIC FLOW</p> |
| | <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>CURRENTLY WE DO NOT HAVE A GARAGE</p> |
| Board Action | <p>Chairman, Board of Adjustment Signature</p> <p>Date</p> |

A hand-drawn site plan showing a mobile home unit and an adjacent carport. The mobile home unit is a rounded rectangle with a width of 14' and a length of 68'. It is labeled "MOBILE HOME" and "UNIT 4-11". The carport is a dashed rectangle with a width of 10' and a length of 20', labeled "CARPORT". The carport is located 10' from the mobile home unit. The entire area is bounded by a 15' wide driveway on the left and a 10' wide driveway on the right. The site is labeled "ST" on the left and "EAS" on the right. A double-headed arrow indicates a 15' distance from the bottom of the carport to the bottom of the mobile home unit.


9 CARPORT,
18'6" BY 20'
possibility

PRIVATE STREET / ROAD





**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0054**

 CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET



PRIVATE
DRIVE
RESIDENTS ONLY
NOVEMBER 2023

Memo

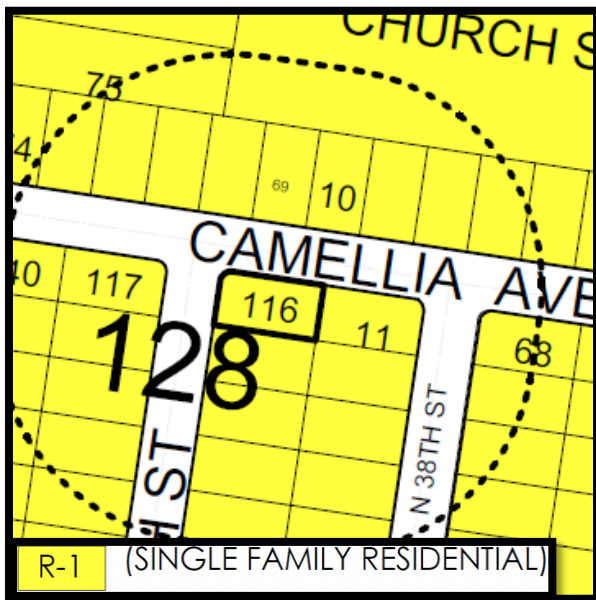
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 7, 2023

SUBJECT: REQUEST OF ANA G. HINOJOSA DE SOTO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 2.5 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 18 FEET BY 16 FEET AT LOT 116, ARROWHEAD SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 2820 NORTH 39TH STREET. (ZBA2023-0055)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 2.5 feet into the 10 feet rear yard setback for an existing carport. According to the applicant the carport was built for the family to enjoy being outside.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southeast corner of Camellia Avenue and North 39th street. The property is zoned R-1 (single-family residential) District. There is R-1 district in all directions.

BACKGROUND AND HISTORY: Arrowhead Subdivision Phase II was recorded in March 5, 1999. The plat shows a 10 feet rear yard setback. A stop work order was posted March 18, 2023 for a "carport" built without a permit. An application for a building permit was submitted March 23, 2023.

The special exception application was submitted May 25, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 2.5 feet into the 10 feet rear yard setback for an existing carport. The “carport” also serves to provide shade for the family to be able to sit outside. The structure is built over a concrete foundation and a right of way permit may be required in order to construct a driveway to be able to consider the structure as a fully functioning carport.

The carport according to the site plan submitted does not encroach into a five feet utility easement that runs concurrently with the rear yard setback adjacent to the rear property line.

The property does not have a garage.

At the Zoning Board of Adjustment and Appeals meeting of April 19, 2023 the Board approved a special exception to allow an encroachment of 13.5 feet into the 20 feet front yard setback for an existing carport at Lot 78.

At the Zoning Board of Adjustment and Appeals meeting of November 14, 2022 the Board approved a special exception to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport at Lot 122.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends approval of the request since there is a history of other approved carports in this subdivision.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

ZBA
7/13/23

Project

Legal Description

Arrow Head PH 2 Lot 116

Subdivision Name

Arrow Head PH 2

Street Address

2820 N 39th St

Number of lots

1

Gross acres

.11

Existing Zoning

Single Family Res. R1

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

encroaching 2 1/2 ft. until the 10 ft rear yard setback
for carport 16 x 16

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name

Ana A. Hinojosa de Soto

Phone

956-533-7973

Address

2820 N 39th St

E-mail

Soto9a@gmail.com

City

McAllen

State

TX

Zip

78501

Owner

Name

Leopoldo Hinojosa

Phone

Address

2820 N 39th St

E-mail

soto9a@gmail.com

City

McAllen

State

TX

Zip

78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Date

5-25-23

Print Name

Ana Hinojosa

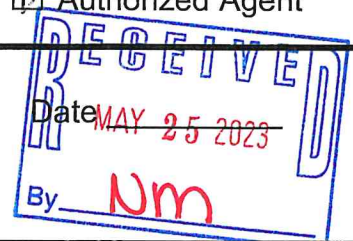
☐ Owner☒ Authorized Agent

Office

Accepted by

AS

Payment received by





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Carport was built over rear ten foot setback by accident as the subdivision plat only shows a five foot utility easement drawn. ~~carport~~ Aparte no tenemos un techo para los carros y ocupamos sobre todo con el tiempo para protegerlos.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

The variance would allow for us to keep our carport in place which affects no neighbour in our surrounding. The carport adds value to our home which is among the highest in our subdivision.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The carport is completely within our homes property boundary line and is a simple outdoor carport meant to provide shade for the family when outdoors together.

4. Describe special conditions that are unique to this applicant or property:

The carport was built in 2020 at a point when ~~the public~~ ^{society} was encouraged not to be out in public, we built the carport for family enjoyment in a time hard to find enjoyment

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

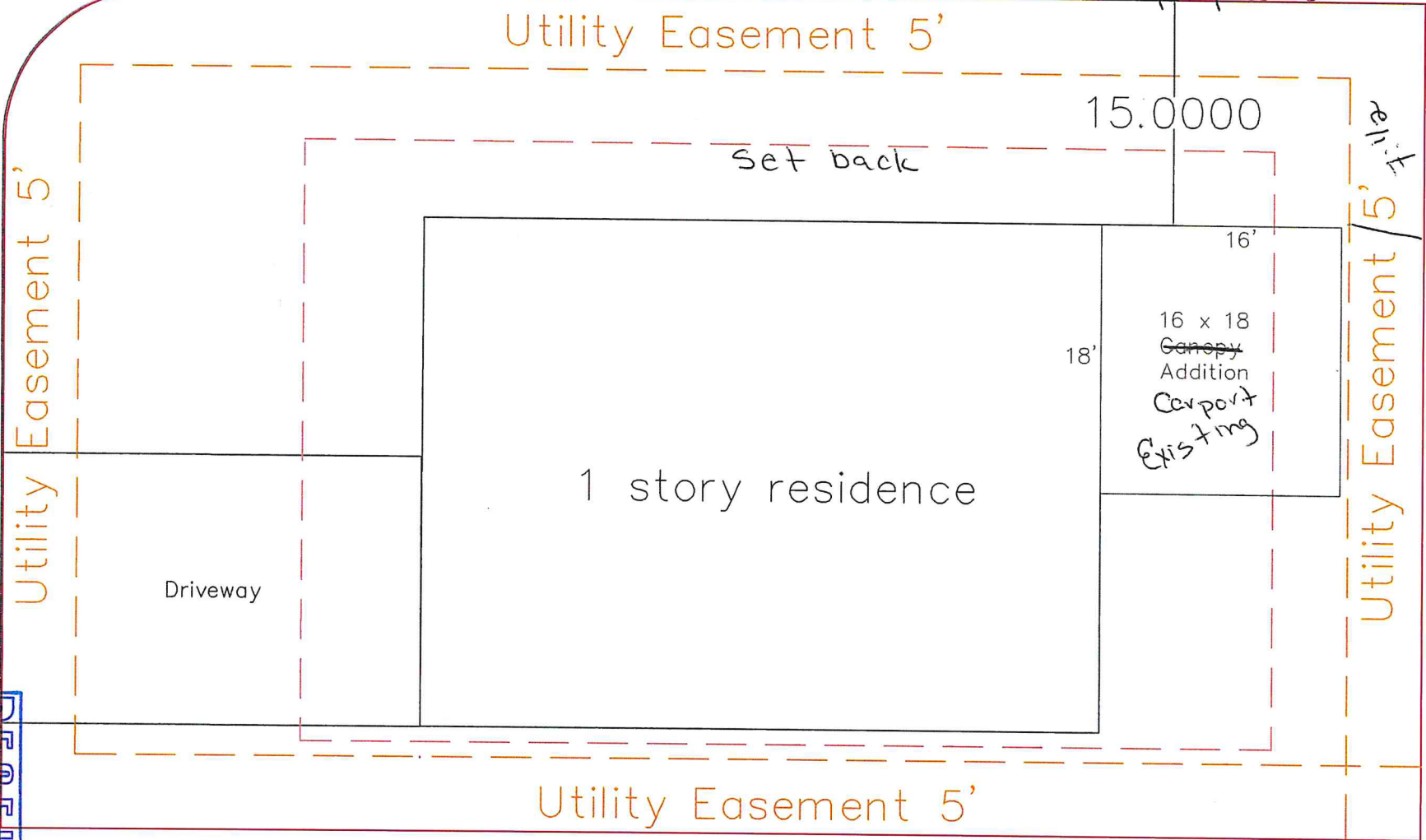
5-25-23
AH


Setbacks
Front= 20'
Rear= 10'
Side= 6' Corner side= 10'
Utility Easements= 5'

Camellia Avenue

N. 39th Street

línea de propiedad



RECEIVED
MAY 25 2023
By 





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0055

CITY OF McALLEN PLANNING DEPT.
361-1234
WWW.MCALLENNET.ORG

Memo

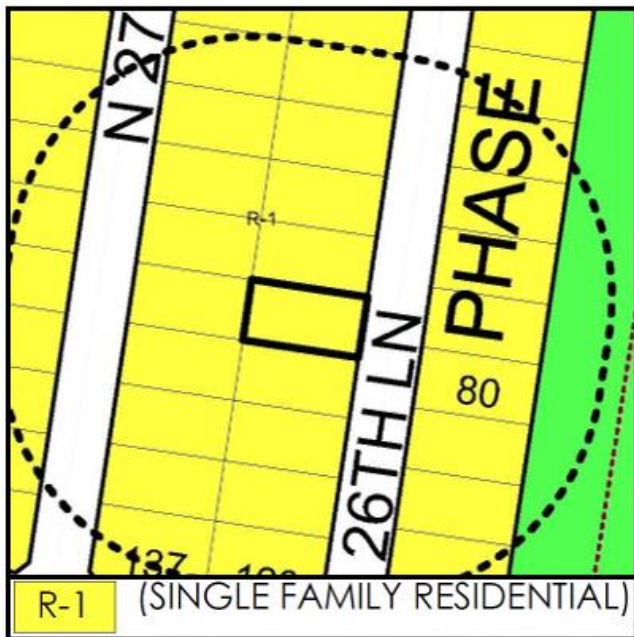
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 30, 2023

SUBJECT: REQUEST OF MANUEL VILLEGAS FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 16.83 FEET BY 18.83 FEET AT LOT 156, DEL SOL PHASE 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 4319 NORTH 26TH LANE. (ZBA2023-0058)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 15 feet into the 20 feet front yard setback for an existing metal carport. The applicant stated the existing carport is for protection of his vehicles and himself from the inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of North 26th Lane, approximately 206.25 feet north of Quamasia Avenue. The Lot has 50 feet of frontage along North 26th Lane and a depth of 96 feet for a Lot size of 4,800 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Del Sol Phase 2 Subdivision was recorded on January 10, 2001. The required front yard setback as per plat is 20 feet. A stop work order was issued for non-compliance on

December 15, 2022 for a front yard carport built without a permit. An application for a building permit for a carport was submitted on December 20, 2022. An application for a special exception request was submitted on June 05, 2023.

ANALYSIS: This special exception if granted, would allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport that would measure 16.83 feet by 18.83 feet. The carport would provide protection for his vehicles and himself from the inclement weather.

According to the submitted survey and subdivision plat, a 5 feet utility easement runs concurrently with the 20 feet front yard setback and adjacent to the front property line. The existing metal carport also encroaches one foot into the 5 feet utility easement. The applicant has stated he will modify the carport in order to eliminate the encroachment over the 5 feet utility easement.

During a site visit, staff noticed other similar encroachments (carports) within Del Sol Phase 2 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of December 7, 2022, the Board unanimously voted to approve a special exception request along this same street for an encroachment of 15 feet into the 20 feet front yard setback for a proposed carport on Lot 152, Del Sol Phase 2.

There is an existing garage that is used to store two of his vehicles.

Special exceptions are issued and recorded for the property owner only. New owners of the subject property will have to apply for a new special exception.

Staff did not receive any phone calls, emails or letters in opposition to this special exception request.

RECOMMENDATION: Staff recommends approval of the special exception request since previously a similar request was approved in the same block and the applicant proposes to reduce the encroachment by cutting his carport back 1 foot in order to resolve the encroachment over the front yard utility easement.

ZBOA:
7/13/23



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

ZBA 7023-0058

311 North 15th Street
McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Del Sol P# 2 Lot 154

Subdivision Name

Del Sol

Street Address

4319 W. 26th Ln.

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

Residential/home

Reason for Appeal (please use other side if necessary)

Carport encroaching

into the front yard. set back.

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name

Manuel Villegas

Phone

(956) 821-2857

Address

4319 N 26th Ln

E-mail

City

McAllen

State

TX

Zip

78504

Owner

Name

Same

Phone

Same

Address

E-mail

City

State

Zip

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Manuel Villegas

Date

6-1-23

Print Name

Manuel Villegas

☒ Owner

☐ Authorized Agent

Office

Accepted by

SJT

Payment received by

Date

Rev 09/20





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

No Circumstance

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

car protection from weather.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

it will be no detrimental to the Public

4. Describe special conditions that are unique to this applicant or property:

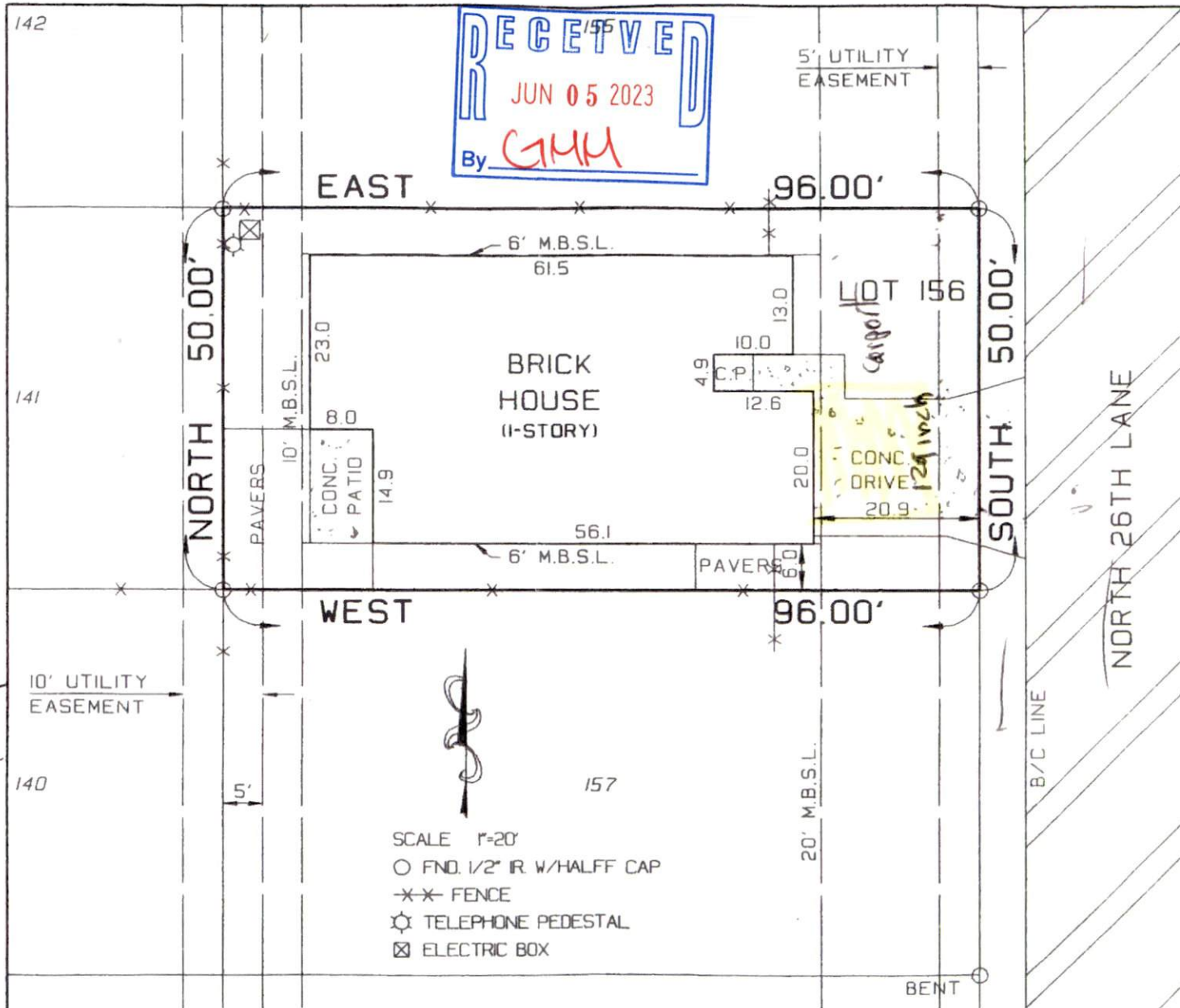
from protection of my Vehicle
from the weather.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



PREPARED FOR: JOSE M. VILLEGAS

THIS IS TO CERTIFY THAT I HAVE ON THIS DATE MADE A STANDARD LAND SURVEY ON THE GROUND UNDER MY SUPERVISION OF PROPERTY WHICH IS LOCATED AT 4319 NORTH 26TH LANE, IN MCALLEN, HIDALGO COUNTY, TEXAS. DESCRIBED AS FOLLOWS: ALL OF LOT 156, DEL SOL PHASE II SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OF PLAT

portion utility easement garage. net.
 I will cut back.
 1 foot to be able
 to be out of.

Permit place.

to 81-1250

wide / Long
 gap to the wall

wide = 226 inch
 Long = 202 3/4 inch
 gap = 1 inch





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0058
CITY OF BEALL EXPLANATION ONLY
WWW.MJEN.NET

Memo

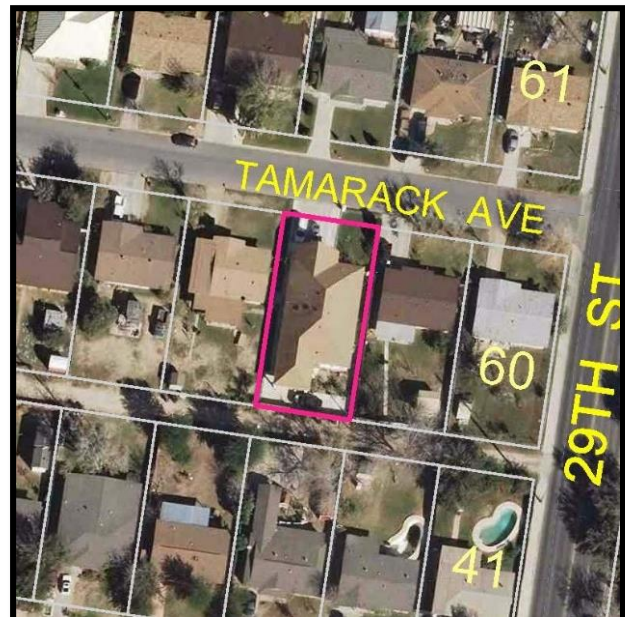
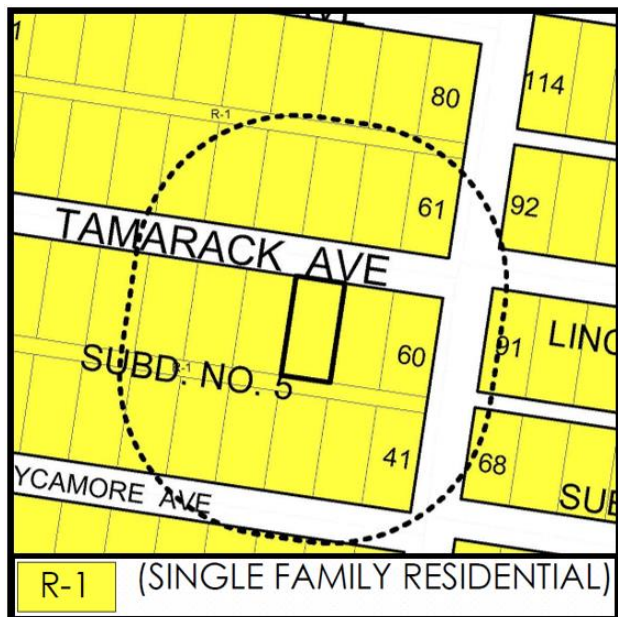
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 29, 2023

SUBJECT: REQUEST OF ROBERTO AND REBECCA VELA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 26 FEET BY 20 FEET AT LOT 58, OLIVAREZ NO. 5 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2909 TAMARACK AVENUE. (ZBA2023-0059)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 20 feet into the 25 feet front yard setback. The applicants have stated that this carport would protect their vehicles and them from inclement weather as the residence does not have a garage. The carport addition would also protect the applicant during loading/unloading and use of mobility aids.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Tamarack Avenue, approximately 123 feet west of North 29th Street. The Lot has 61.4 feet of frontage along Tamarack Avenue and a depth of 124.5 feet for a Lot size of 7,644.30 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Olivarez No. 5 Subdivision was recorded on February 01, 1972. The required front yard setback as per plat is 25 feet. An application for a special exception request was submitted to the Planning Department on June 05, 2023. An application for a building permit was submitted to Building Permits and Inspections Department on June 22, 2023 for a carport.

ANALYSIS: This special exception if granted, would allow an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport that would measure 20 feet by 20 feet. The carport would provide protection from the weather elements and an area for loading of a scooter/wheelchair for one of the applicants.

During a site visit, staff noticed other similar encroachments (carports) within Olivarez Subdivision No. 5.

At the Zoning Board of Adjustments and Appeals meeting of June 17, 2021, the Board unanimously voted to approve a special exception request for an encroachment of 20.83 feet into the 25 feet front yard setback for an existing carport on Lot 87, Olivarez Subdivision No. 5.

At the Zoning Board of Adjustments and Appeals meeting of August 04, 2021, the Board unanimously voted to approve a special exception request for 1) an encroachment of 19.1 feet into the 25 feet front yard setback and 2) an encroachment of up to 4.33 feet into the 5 feet side yard setback for an existing carport on Lot 83, Olivarez Subdivision No. 5.

At the Zoning Board of Adjustments and Appeals meeting of August 03, 2022, the Board unanimously voted to approve a special exception request for an encroachment of 22 feet into the 25 feet front yard setback and an encroachment of 6 feet into the 6 feet west side yard setback for a proposed carport on Lot 64, Olivarez Subdivision No. 5.

There is an existing paved alley at the rear of property. However, due to the existing layout of the home, there wouldn't be sufficient space on the rear yard for the relocation for the proposed carport.

Measurements provided are without the benefit of a survey.

Special exceptions are issued and recorded for the property owner only. New owners of the subject property will have to apply for a new special exception.

Staff did not receive any phone calls, emails or letters in opposition to this special exception request.

RECOMMENDATION: Staff recommends approval of the special exception request since there have been special exceptions previously approved in the subdivision. Approval should be limited to the encroachment shown on the submitted site plan.

ZBA 2023-0059

ZBA
7/13/23

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

 311 North 15th Street
 McAllen, TX 78501
 P. O. Box 220
 McAllen, TX 78505-0220
 (956) 681-1250
 (956) 681-1279 (fax)

Project

Legal Description

Olivarez No. 5 Lot 58

Subdivision Name

Olivarez

Street Address

2909 TAMARACK AVE

Number of lots

1

Gross acres

0

Existing Zoning

R-1

Existing Land Use

R-1

Reason for Appeal (please use other side if necessary)

Propose Carport enclosing
20 ft. into the 25ft front yard ~~set~~ ^{RV} set
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Roberto, Rebecca Vela

Phone 956-358-5049 956-630-2289

Address 2909 TAMARACK AVE

E-mail rebecca.vela@hotmail.com

City McAllen

State TX

Zip 78501

Owner

Name Roberto, Rebecca VELA

Phone 956-358-5049 956-630-2289

Address 2909 TAMARACK AVE

E-mail rebecca.vela@hotmail.com

City McAllen TX

State TX

Zip 78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ No
 I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
 OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Roberto Vela Rebecca Vela

Date 6-6-2023

Print Name Roberto Vela Rebecca Vela

☒ Owner☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

Rev 09/20

JUN 05 2023

Name:



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

No garage - we need to protect our cars from rain hail etc. for safety of our property

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

There is no garage therefore a Carport is the next best thing to protect our property car, ourselves etc.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

does NOT interfere with neighbors or ourselves

4. Describe special conditions that are unique to this applicant or property:

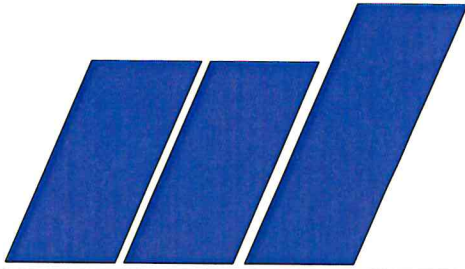
Roberto Vela is disable unable to walk steady needs scooter / wheel chair to move around.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN

Planning Department

Variance request

LEGAL DESCRIPTION: Olivia No. 5 LOT 58

PROPERTY ADDRESS: 2909 TAMARACK AVE McAllen TX 78501

CASE NUMBER: : _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

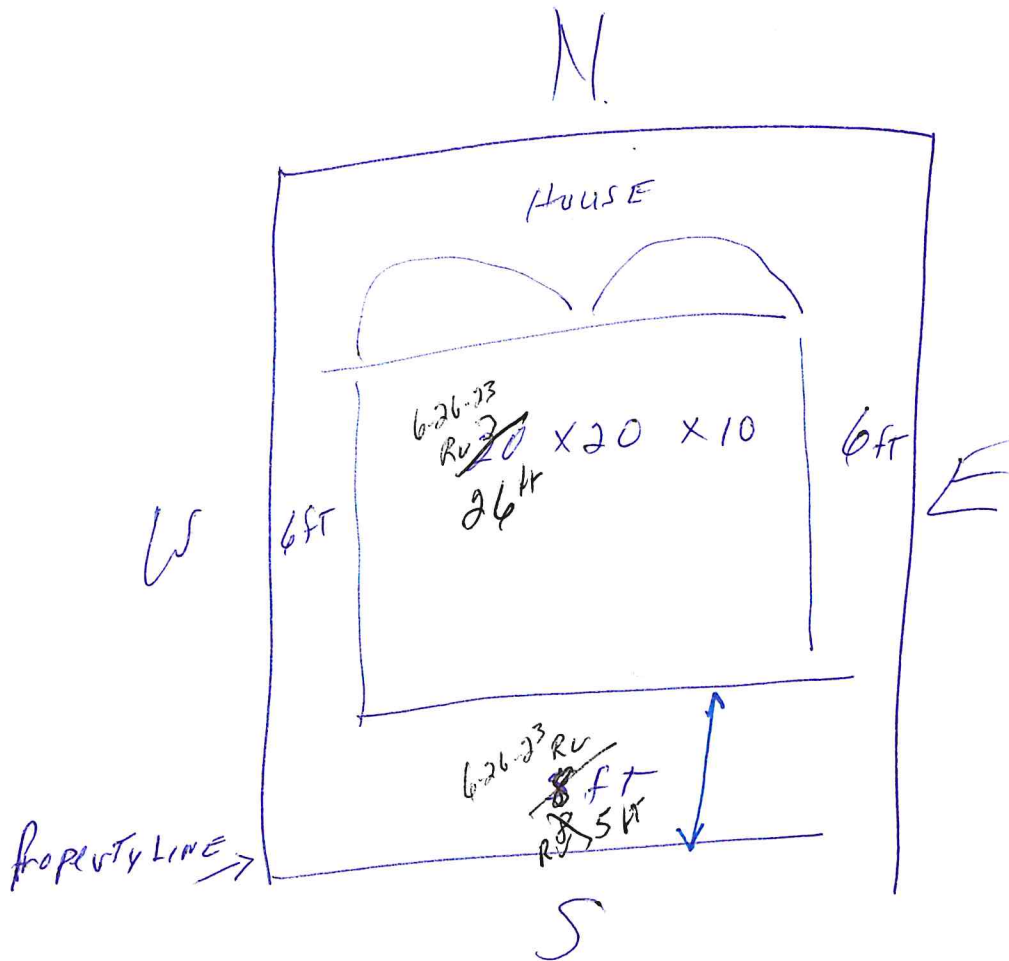
Applicant's Signature Roberto Vela, Rebecca Vela

Print Name Roberto Vela, Rebecca Vela

Address 2909 TAMARACK AVE.

Phone 956-358-5049
956 630-2289 e-mail rebeccovela@hotmail.com

2909 Tamarack



* ATTACHED TO THE HOUSE

Due to the use of a scooter Loading + unloading
the space is necessary. PLEASE consider the change
in dimensions THANK YOU. R. Uok





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0059
CITY OF MCALLEN PLANNING DEPT.
958-0611
WWW.MCALLEN.NET

2909

2909

2909

TEXAS
RDH-6572

Memo

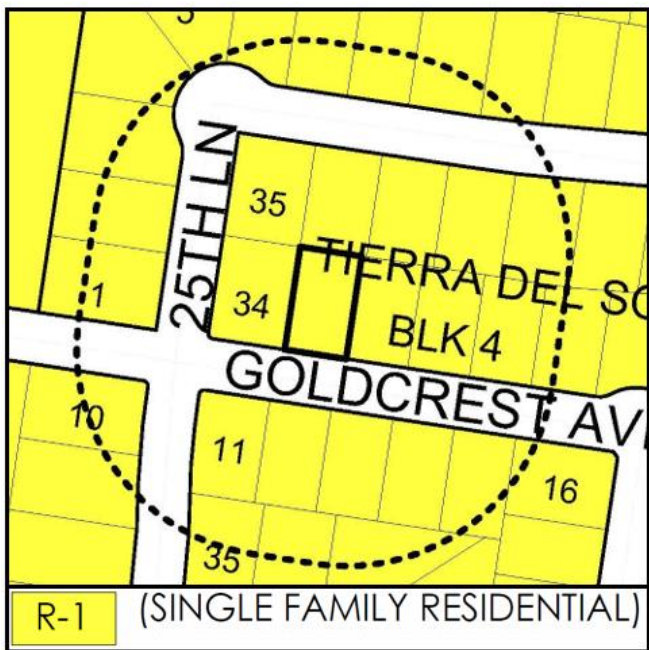
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 30, 2023

SUBJECT: REQUEST OF ROOSEVELT ALVARADO FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 11 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 19 FEET BY 20 FEET AND 2) AND ENCROACHMENT OF 6 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR A PROPOSED CARPORT MEASURING 19 FEET BY 20 FEET ON LOT 33, BLOCK 4, TIERRA DEL SOL UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2524 GOLDCREST AVENUE. (ZBA2023-0060)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 11 feet into the 20 feet front yard setback and 6 feet into the 6 feet east side yard setback. The applicant stated the proposed carport is for protection of his vehicles and his family (health concerns) from the weather elements.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Goldcrest Avenue, approximately 70 feet east of North 25th Lane. The Lot has 60 feet of frontage along Goldcrest Avenue and a depth of 100 feet for a Lot size of 6,000 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Tierra Del Sol Unit No. 1 Subdivision was recorded on August 12, 1977. The required front yard setback as per plat is 20 feet. The property previously had a garage but it was enclosed in 2018. An application for a special exception request was submitted to the Planning Department on June 07, 2023.

ANALYSIS: This special exception would allow an encroachment of 11 feet into the 20 feet front yard setback for a proposed carport that would measure 19 feet by 20 feet. The carport would provide protection of his vehicles and his family (health concerns) from the weather elements.

During a site visit, staff noticed other similar encroachments (carports) within Tierra Del Sol Subdivision Unit No. 1.

At the Zoning Board of Adjustments and Appeals meeting of August 20, 2010, the Board unanimously voted to approve a variance request for an encroachment of 20 feet into the 20 feet front yard setback for an existing carport on Lot 22, Block 3, Tierra Del Sol Subdivision Unit No.1.

At the Zoning Board of Adjustments and Appeals meeting of October 17, 2018, the Board unanimously voted to approve a special exception request for an encroachment of 20 feet into the 20 feet front yard setback for an existing carport on Lot 46, Block 1, Tierra Del Sol Subdivision Unit No.1.

At the Zoning Board of Adjustments and Appeals meeting of March 20, 2019, the Board unanimously voted to approve a special exception request for an encroachment of 20 feet into the 20 feet front yard setback for a proposed carport on Lot 33, Block 1, Tierra Del Sol Subdivision Unit. No.1.

Measurements provided are without the benefit of a survey.

Special exceptions are issued and recorded for the property owner only. New owners of the subject property will have to apply for a new special exception.

Staff did not receive any phone calls, emails or letters in opposition to this special exception request.

RECOMMENDATION: Special Exception #1: Staff recommends approval of the special exception request for the encroachment into the front yard setback since there have been special exceptions previously approved in the subdivision.

Special Exception #2: Staff recommends disapproval of the special exception request for encroachment into the side yard setback as it would go up to the side property line which would raise concerns of potential runoff to the adjacent property owner. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

ZBA
7/13/23

ZBA 2023-006



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description

Tierra Del Sol UT. 120t 33 Block 4

Subdivision Name

Tierra Del Sol

Street Address

2524 Goldcrest Ave

Number of lots 33

Gross acres

Existing Zoning

R-1

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

I'm 21 ft into the 30 ft front yd
Set back and 6 ft into the 70 side yard

☐ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Roosevelt Alvarado

Phone 956 212 1685

Address 2524 Goldcrest Ave

E-mail tonya/varado696@hotmail.com

City McAllen

State TX

Zip 78504

Owner

Name SAME

Phone

Address

E-mail

City

State

Zip

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Roosevelt Alvarado

Date

6-7-23

Print Name

Roosevelt Alvarado

☒ Owner

☐ Authorized Agent

Office

Accepted by AS

Payment received by

Date

ENTERED

JUN 07 2023

Rev 09/20

Name:

UM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

The setback limit my construction and no easements are with in the front yard and side yard

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: We would like to build car port to protect our

vehicles from hail, sun damage enhance our curb appeal.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

It would not affect our neighbors.

4. Describe special conditions that are unique to this applicant or property:

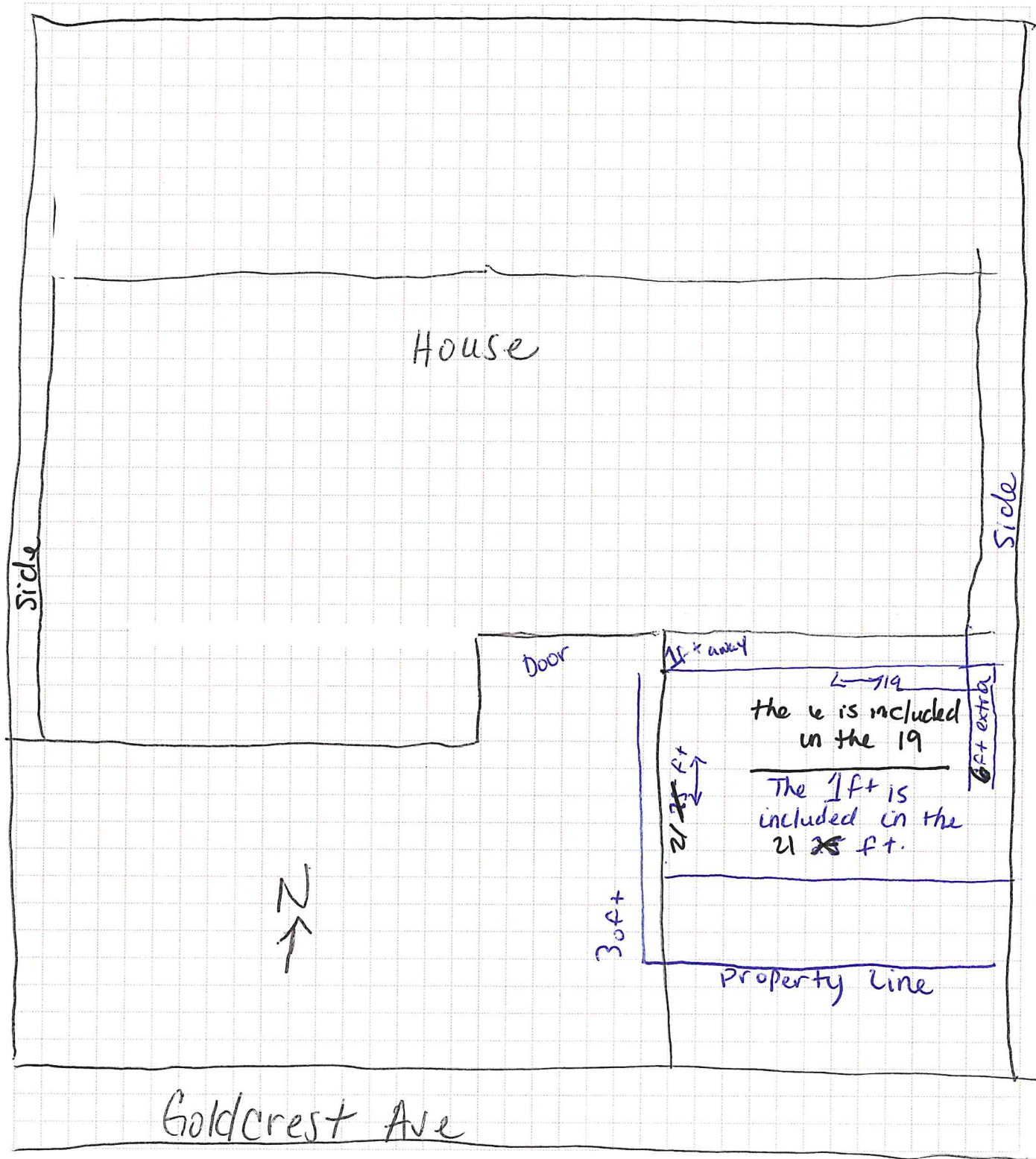
~~The set back~~ Putting a car port would help with rain, sun or any storm with hail. My father who had a stroke comes to visit and with a car port for vehicle would also help the car not be so hot for him or my children

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Wall Legend:

| | |
|------------|--|
| Existing | |
| Proposed | |
| Demolition | |

Symbol Legend:

| | | | | | |
|------|--------|------------------|----------|--------|------|
| | | | | | |
| Door | Window | Electrical Panel | A/C Unit | Toilet | Sink |

Application and documents can be submitted electronically to
BLDGPERMITS@MCALLEN.NET





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0060
CITY OF MCALLEN PLANNING DEPT.
956-6811229
WWW.MCALLE.NET

TEXAS
0510

TEXAS
GZX 168

Memo

TO: Zoning Board of Adjustment & Appeals

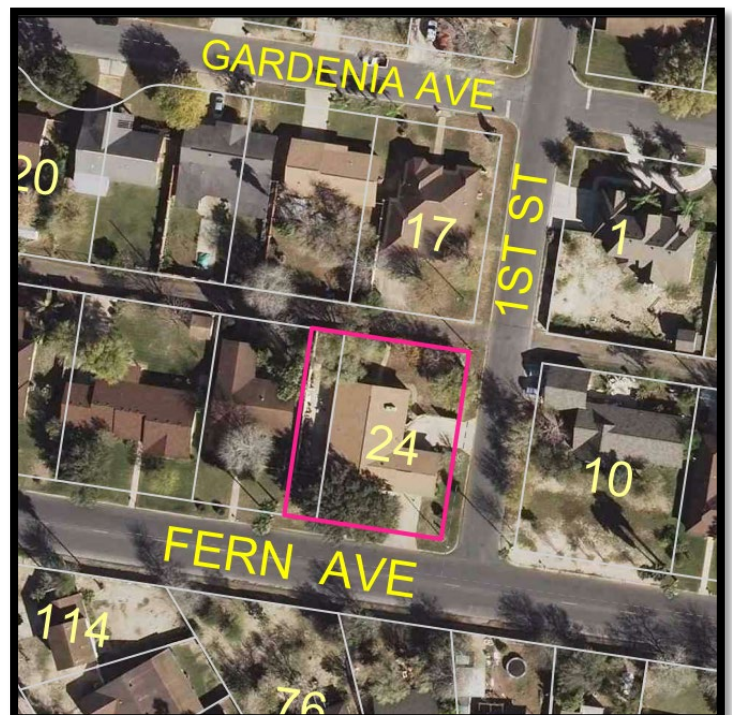
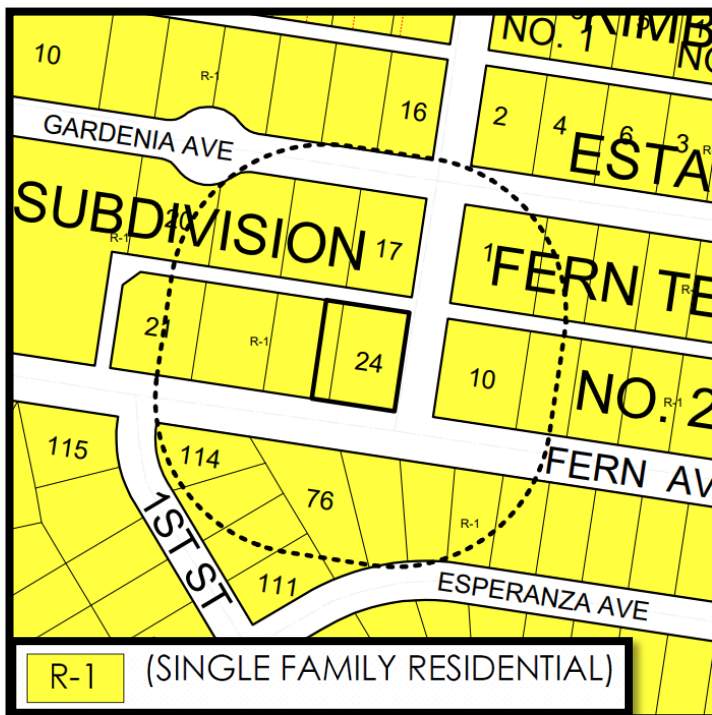
FROM: Planning Staff

DATE: June 26, 2023

SUBJECT: Request of Rodolfo Rios for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing metal porch at Lot 24 and E20' Lot 23, Fern Terrace, Hidalgo County, Texas; 100 Fern Avenue. **(ZBA2023-0050)**

REASON FOR APPEAL: The applicant is requesting a variance to encroach 6 feet into the 6 feet side yard setback for an existing metal porch. The applicant states the metal porch is used for shade from harsh summer heat and rain.

PROPERTY LOCATION AND VICINITY: The subject property is located north of Fern Avenue and east of North 2nd Street. The property has 85 ft. of frontage along Fern Avenue and a depth of 127 ft. The subject property is zoned R-1 (single-family) District. Adjacent properties are zoned R-1 District. Surrounding land uses are single family residences.



BACKGROUND AND HISTORY: Fern Terrace was recorded in January 1973. A Stop Work order was issued by the Building Permits and Inspections Department on May 2, 2023 for construction without a building permit. A building permit was submitted May 4, 2023. A variance request was made on May 22, 2023.

ANALYSIS: This request is to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing metal porch measuring 22 feet by 64 feet. As per the subdivision plat, there are no easements along the west side of the property.

The applicant stated the metal roof was constructed over the existing concrete slab in 2020. The applicant also stated they were unaware of the 6 feet side yard setback. The request was made due to harsh weather conditions. The applicant is requesting to keep the porch as they stated it would also protect the concrete slab from rain.

A review of the Planning Department records did not reveal any requested variances in the area.

Staff has not received any phone calls, email or letters in opposition to this request.

RECOMMENDATION: Staff recommends disapproval of the variance request as records did not find any approved variances in the area.

ZBOA: 7/13



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description A11 of LOT 24 AND THE EXT 20 FT (20) of LOT 23.

Subdivision Name FERN TERRACE SUBDIVISION

Street Address 100 W. FERN AVE.

Number of lots 1 Gross acres .25

Existing Zoning _____ Existing Land Use Residential

Reason for Appeal (please use other side if necessary) MAINTAIN CURRENT METAL PORT IN PLACE - 6 FT. SETBACK REQUIRED BY CITY

☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name RODOLFO RIOS Phone 956-588-6562

Address 100 W. FERN AVE. E-mail rodolfo.rios06@yahoo.com

City MCALLEN State TX Zip 78501

Owner

Name RODOLFO RIOS Phone 956-588-6562

Address 100 W. FERN AVE. E-mail rodolfo.rios06@yahoo.com

City MCALLEN State TX Zip 78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature]Date 5-22-25Print Name RODOLFO RIOS☒ Owner ☐ Authorized Agent

Office

Accepted by [Signature]

Payment received by _____

Date _____





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

| | | |
|--|--|-------|
| Reason for Appeal | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> | |
| | 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: | |
| | | |
| | | |
| | | |
| | 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: | |
| | | |
| | | |
| | | |
| | 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: | |
| | | |
| | | |
| | | |
| | 4. Describe special conditions that are unique to this applicant or property: | |
| | | |
| | Board Action | |
| | | |
| Chairman, Board of Adjustment Signature | | Date |
| _____ | | _____ |

① When I purchased the property of 100 W. Fern Ave, in Jan. 2015, the area east of the house to the boundary line consisted of a concrete slab. The concrete slab had a brick chimney, which I removed, which showed proof that the concrete slab was used by a ~~previous~~ area of entertainment by previous owners and many years back. Due to high heat during the summer, and other factors such as inclimate weather (rain), ~~the~~ a metal roof was built in 2020 covering the entire concrete slab, unaware of the 6' ft setback, City Ordinance + Planning.

② The current 6 FT. Setback would have resulted with the structure of the metal ~~as a~~ roof interfering with the layout of the patio. It would also cause for water to drain in on the entire concrete slab (Patio), causing the entire patio to become unusable.

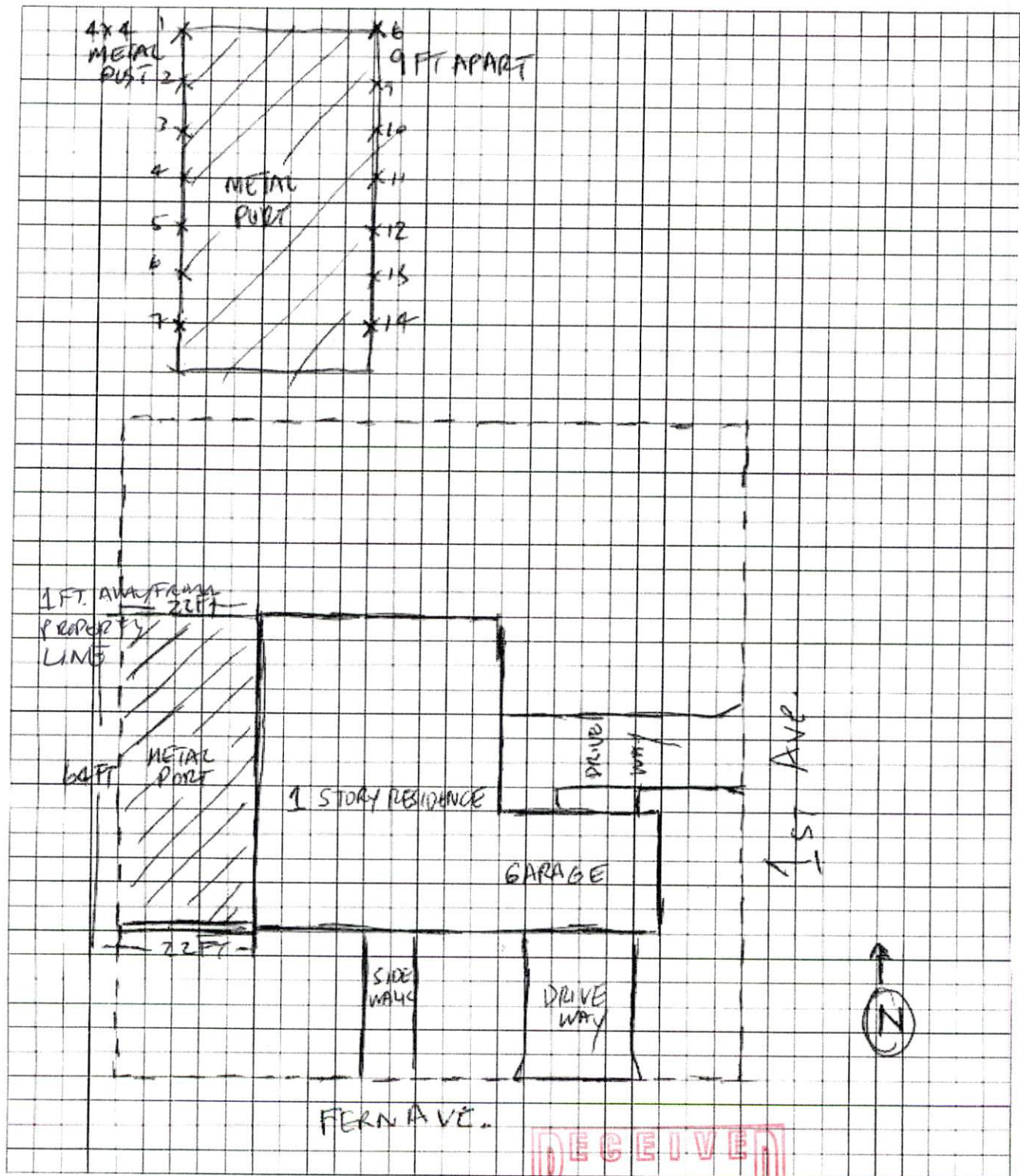
(3)

I have not received any complaints ~~about the~~ by any neighbors due to the structure of the building. However, Mr. Joseph Connor ^{at 106 Wilkerson Ave.}, which the person that would have been impacted the most has provided a letter showing ~~not~~ issue with the current state of structure.

(4)

There are currently no power lines, drainage pipes or any other fixtures that could interfere with the structure of the metal port, as well as any hazardous and manufacture of the public safety. The metal port is non-fire hazardous and is a no risk of any issues of such. There are no water lines either affecting the structural metal port.

100 W. FERN AVE.

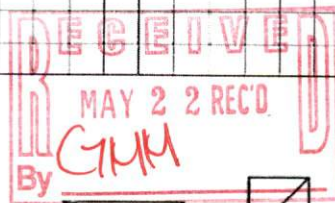


Wall Legend:

- Existing
- Proposed
- Demolition

Symbol Legend:

- Door
- Window
- Electrical Panel
- A/C Unit
- Toilet
- Sink



Application and documents can be submitted electronically to
BLDGPERMITS@MCALLEN.NET



PEÑA ENGINEERING

1001 WHITEWING - P.O. BOX 4320
(956) 682-8812 - McALLEN, TEXAS 78502 - FAX (956) 631-PENA



SCALE: 1"=20'
CAD: FERNTER24-3
JOB: 54537

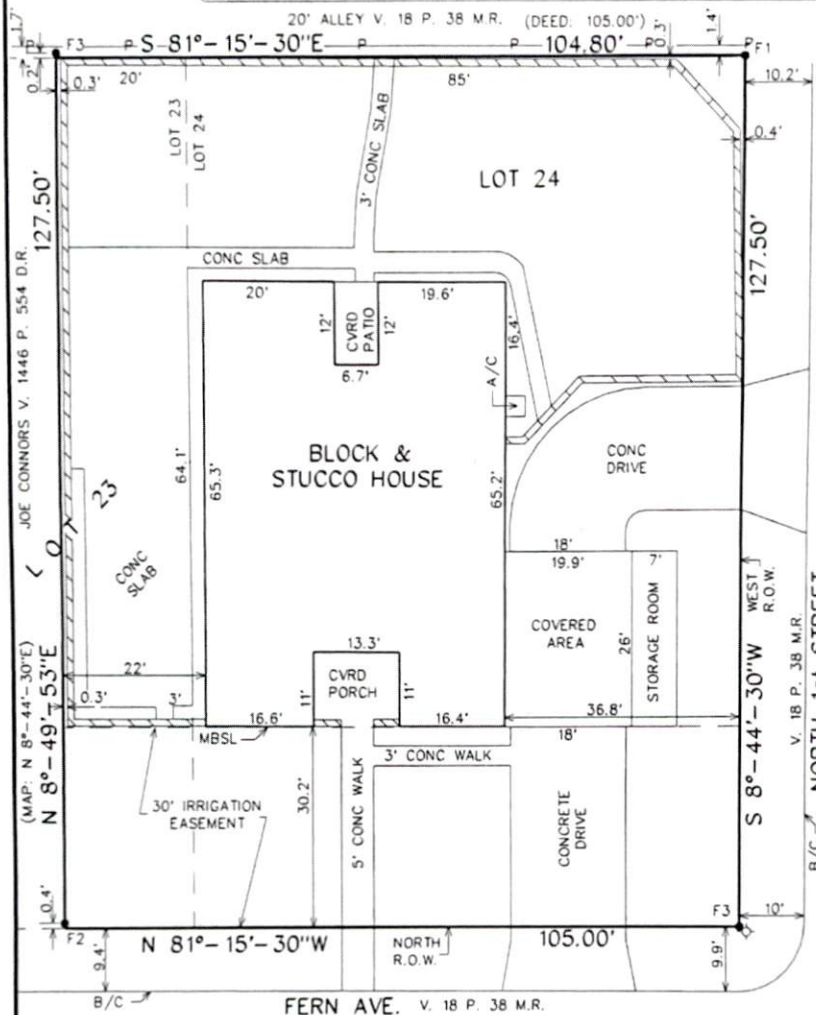
NOTE: BASIS OF BEARING
IS THE EAST LINE OF LOT
24, FERN TERRACE SUBD
V. 18 P. 38 M.R.

LEGEND

- F1 - FOUND 1/2" DIA.
IRON ROD
- F2 - FOUND 1/2" DIA.
IRON PIPE
- F3 - FOUND 3/4" DIA.
IRON PIPE
- B/C - BACK OF CONC.
CURB & GUTTER
- R.O.W. - RIGHT OF WAY
- MBSL - MINIMUM BUILDING
SETBACK LINE
- P-P - POWER POLE LINE
- 5' BLOCK FENCE
- ◇ - LIGHT POLE
- ⊞ - WATER METER

EASEMENTS AS PER
G.F. #3156655
EFFECTIVE DATE:
12/18/2014
ISSUED DATE:
01/02/2015

10-C: EASEMENTS,
RIGHTS, RULES,
& REGULATIONS
IN FAVOR OF
HIDALGO COUNTY
IRRIGATION
DISTRICT NO. 2



BUYER'S NAME: Rodolfo Rios

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480343 0005 C
Map Revised: November 2, 1982

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☐ Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible and apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © Copyright 2015 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature.

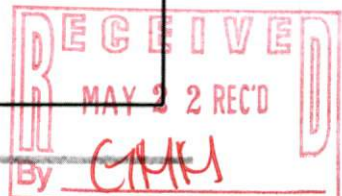
ADDRESS: 100 W. Fern Ave. McAllen, TX 78501

LEGAL DESCRIPTION: All of Lot 24 and the East 20 feet (20') of Lot 23,
FERN TERRACE SUBDIVISION, an addition to the City
of McAllen, Hidalgo County, Texas.

ACCORDING TO THE MAP RECORDED IN VOLUME 18 PAGE 38
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

01/06/2015
DATE

Pablo Peña III
PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242





Memo

TO: Zoning Board of Adjustment & Appeals

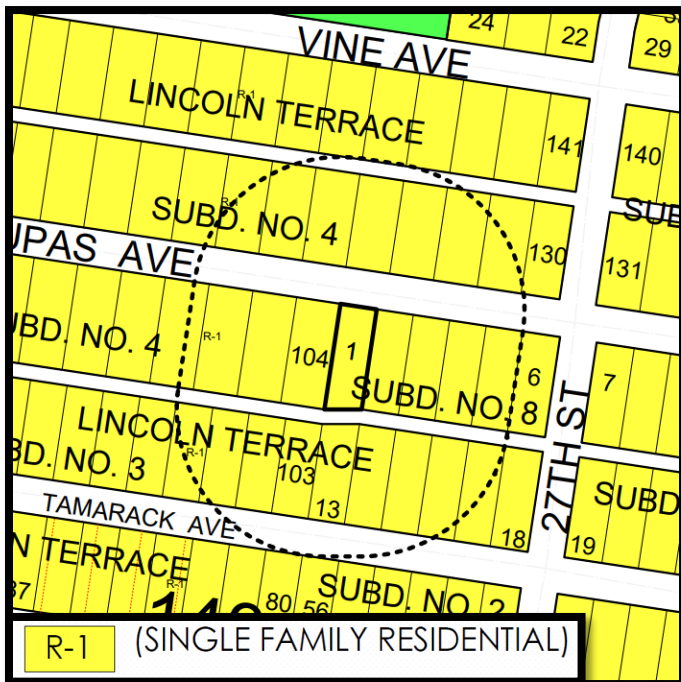
FROM: Planning Staff

DATE: June 27, 2023

SUBJECT: Request of Donaciano Gomez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 front yard setback and an encroachment of 5 feet into the 6 feet side yard setback for a metal carport measuring 20 feet by 20 feet, at Lot 1, Lincoln Terrace No. 8, Hidalgo County, Texas; 2721 Upas Avenue. (**ZBA2023-0051**)

REASON FOR APPEAL: The applicant is requesting a special exception in order to allow an encroachment of 23 feet into the 25 front yard setback and 5 feet into the 6 feet side yard setback for a metal carport measuring 20 by 20 feet. The applicant stated they have multiple vehicles and protect vehicles from weather conditions.

PROPERTY LOCATION AND VICINITY: The subject property is located south of Upas Avenue and west of North 27th Street. The subject property is zoned R-1 (single-family) District. The adjacent properties are zoned R-1 District as well. Surrounding land uses include single-family dwellings.



BACKGROUND AND HISTORY: The plat for Lincoln Terrace No. 8 Subdivision was recorded on October 16, 1998. The plat states a 25 feet front yard setback and 6 feet side yard setback, with a 5 feet utility easement. A citation was issued May 22, 2023. An application for a building permit for a carport was submitted on May 22, 2023. An application for the special exception request was submitted on May 23, 2023.

ANALYSIS: Approval of the special exception request would allow an encroachment of 23 feet into the 25 feet front yard setback and 5 feet into the 6 feet side yard setback. The applicant stated a carport in the backyard is not feasible as there is no room to construct a carport. The residency consists of a one car garage, the applicants have three vehicles. The request was submitted due to weather conditions such as the recent hail storm, which the applicant stated.

The west side of the property does have a 5 feet utility easement according to the plat. The 5 feet into the 6 feet side yard setback does encroach into the 5 feet utility easement.

Planning Department records reveals one approved special exceptions within the subdivision.

Staff has not received any phone calls, emails or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the variance request due to the encroachment into the 5 feet utility easement.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

2BA2023-0051

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

| | | | | |
|---------------|---|--|---|---|
| Project | Legal Description | <u>Lincoln Terrace No. 8 Lot 1</u> | | |
| | Subdivision Name | <u>Lincoln Terrace #8</u> | | |
| | Street Address | <u>2721 Upas ave</u> | | |
| | Number of lots | <u>1</u> | Gross acres | |
| | Existing Zoning | <u>Residential</u> | Existing Land Use | <u>Residential</u> |
| | Reason for Appeal (please use other side if necessary) | <u>Metal Carport 20x20</u> <u>23ft into 25' setback on front and 5' into 6' sideyard.</u> | | |
| | <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) | | | |
| | <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required | | | |
| Applicant | Name | <u>Donaciano Gomez</u> | Phone | <u>(956) 328-2440</u> |
| | Address | <u>2721 Upas ave</u> | E-mail | <u>chanogomez67@yahoo.com</u> |
| | City | <u>Mc Allen</u> | State | <u>TX</u> Zip <u>78501</u> |
| Owner | Name | <u>Donaciano Maria Gomez</u> | Phone | <u>(956) 240-6030</u> |
| | Address | <u>2721 Upas ave</u> | E-mail | |
| | City | | State | |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? | | | |
| | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| | I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. | | | |
| | Signature | <u><i>Maria M. Gomez</i></u> | Date | <u>June 11, 2023</u> |
| | Print Name | <u>Maria M. Gomez</u> | <input checked="" type="checkbox"/> Owner | <input type="checkbox"/> Authorized Agent |
| Office | Accepted by | <u>MR</u> | Payment received by | |
| | Rev 09/20 | | | |



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination** of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Back yard Prevents construction (No Room)

Need room for 3 cars. House only has 1 car garage

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

Protect vehicles from recent hail storm that we've been having.

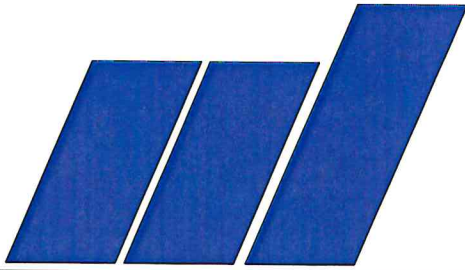
3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

It's an open structure. No visibility obstruction.

4. Describe special conditions that are unique to this applicant or property:

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN
Planning Department
Variance request

LEGAL DESCRIPTION: Lincoln Terrace #8 Lot 1

PROPERTY ADDRESS: 2721 UPS ave McAllen, TX

CASE NUMBER: : _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

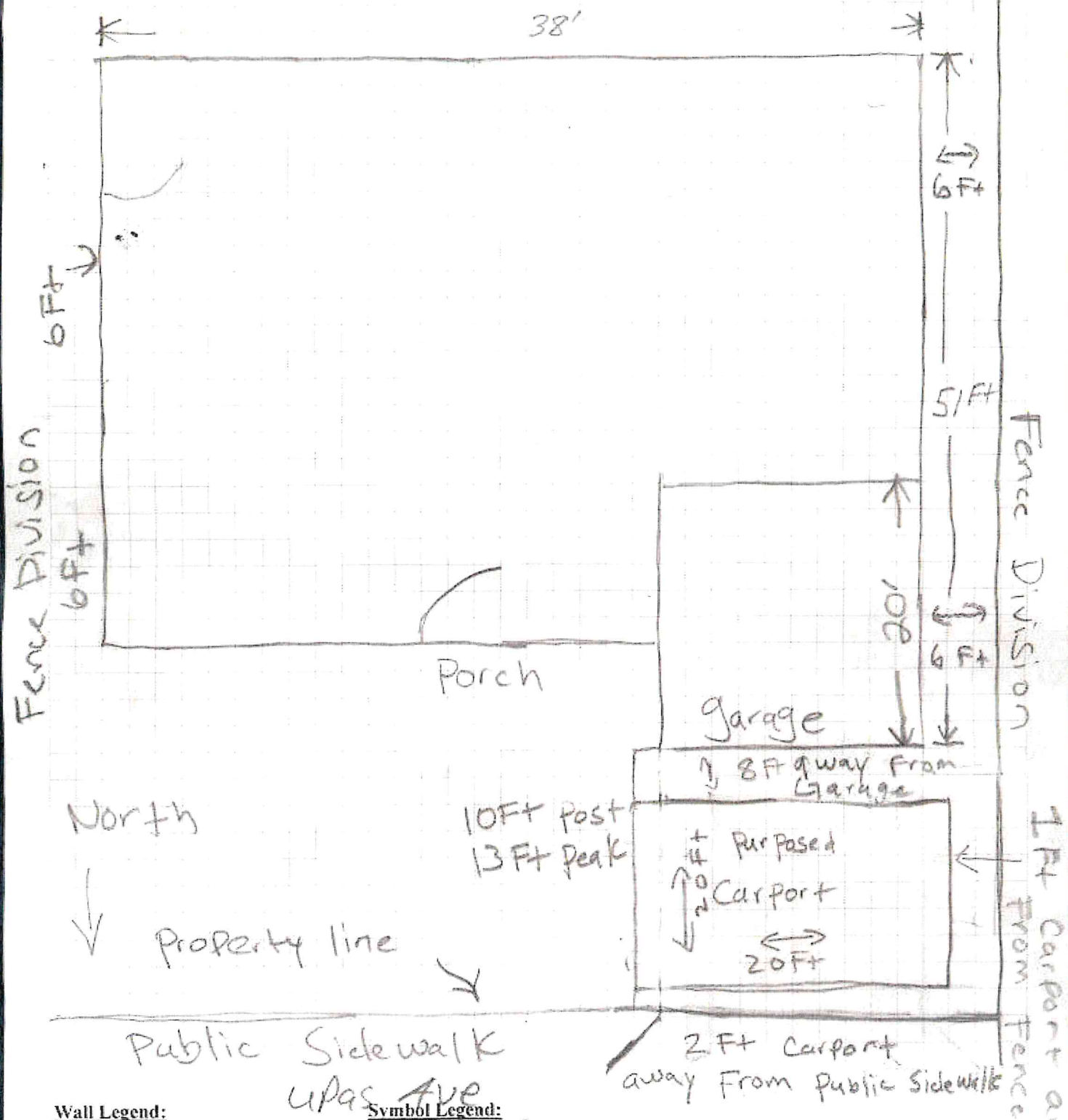
TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

Applicant's Signature

Print Name /

Address _____

Phone _____ e-mail _____



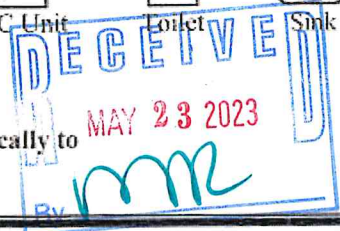
Wall Legend:

- Existing
- Proposed
- Demolition

Symbol Legend:

- Door
- Window
- Electrical Panel
- A/C Unit
- Toilet
- Sink

Application and documents can be submitted electronically to
BLDGPERMITS@MCCALLEN.NET



SUBDIVISION PLAT OF LINCOLN TERRACE NO. 3

(APPROVED AS McALLEN AFFORDABLE HOMES AT 27TH & TAMARACK SUBDIVISION)

BEING 4948 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS AND BEING ALL OF LOT 9, CLYDESDALE ACRES SUBDIVISION AS PER MAP RECORDED IN VOLUME 5, PAGE 9 OF THE HIDALGO COUNTY MAP RECORDS.

PREPARED BY: K K ENGINEERING CONSULTANTS
DATE: DEC. 18, 1997
OWNER: McALLEN AFFORDABLE HOMES INC.
600 S. 11TH ST.
ALONZO CANTU, PRESIDENT
McALLEN, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE LINCOLN TERRACE NO. 3 SUBD. TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES HEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: McALLEN AFFORDABLE HOMES INC.
ALONZO CANTU, PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED ALONZO CANTU KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14th DAY OF September 1998



Bonnie Taylor
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 9-26-2000

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

MR. LEO MONTALVO
MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF LINCOLN TERRACE NO. 3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 13th DAY OF OCTOBER 1998
CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.21(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1
BY: 10/14/98

STATE OF TEXAS
COUNTY OF HIDALGO

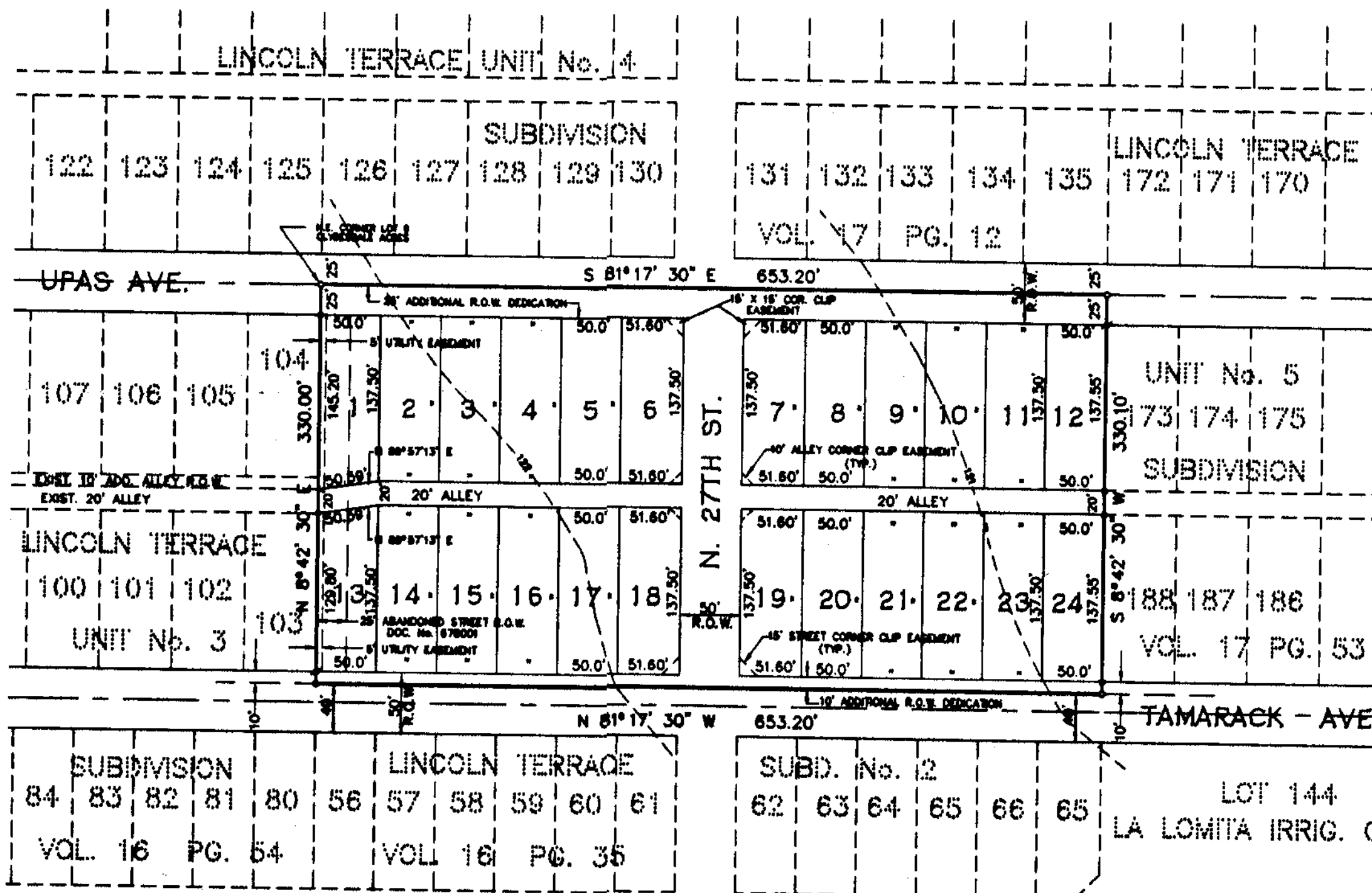
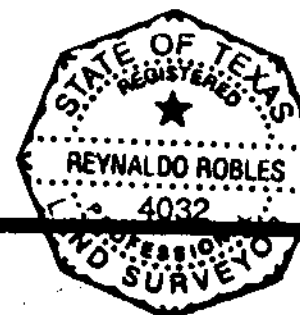
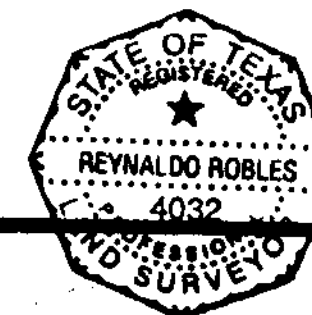
I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL SURVEYOR No. 4032 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599



SCALE: 1" = 100'

LEGEND

- FOUND 1/2" IRON PIPE
- FOUND 3/4" IRON PIPE
- SET COTTON PICKER SPINDLE

LA LOMITA IRRIG. CO. SUBD.

Recorded in Volume 33 Page 159B
of the map records of Hidalgo
County, Texas
Melden and Hunt, Inc.

| LOT No. | NET AREA (SQ. FT.) |
|---------|--------------------|
| 1 | 7,067.50 |
| 13 | 6,682.50 |

METES AND BOUNDS DESCRIPTION

BEING 4.948 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS, AND BEING ALL OF LOT 9, CLYDESDALE ACRES SUBDIVISION AS PER MAP RECORDED IN VOLUME 5, PAGE 9 OF THE HIDALGO COUNTY MAP RECORDS, AND SAID 4.948 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON PICKER SPINDLE SET FOR THE NORTHWEST CORNER OF SAID LOT 9 AND THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 81°17'30" EAST, 653.20 FEET (MAP 640 FEET), WITH THE NORTH LINE OF SAID LOT 9 TO A COTTON PICKER SPINDLE SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 8°42'30" WEST, WITH THE EAST LINE OF SAID LOT 9, AND WITH THE WEST LINE OF LINCOLN TERRACE UNIT NO. 3, AS PER MAP RECORDED IN VOLUME 17, PAGE 83 OF THE HIDALGO COUNTY MAP RECORDS, AT A DISTANCE OF 25.00 FEET PASS A 3/4-INCH IRON PIPE FOUND FOR REFERENCE ON THE SOUTH RIGHT OF WAY LINE OF UPAS AVENUE, AT A DISTANCE OF 330.00 FEET PASS A 1/2-INCH IRON PIPE FOUND FOR REFERENCE ON THE NORTH RIGHT OF WAY LINE OF TAMARACK AVENUE AND CONTINUING FOR A TOTAL DISTANCE OF 330.00 FEET TO A COTTON PICKER SPINDLE SET FOR THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 81°17'30" WEST, 653.20 FEET (MAP 640 FEET), WITH THE SOUTH LINE OF SAID LOT 9 TO A COTTON PICKER SPINDLE SET FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

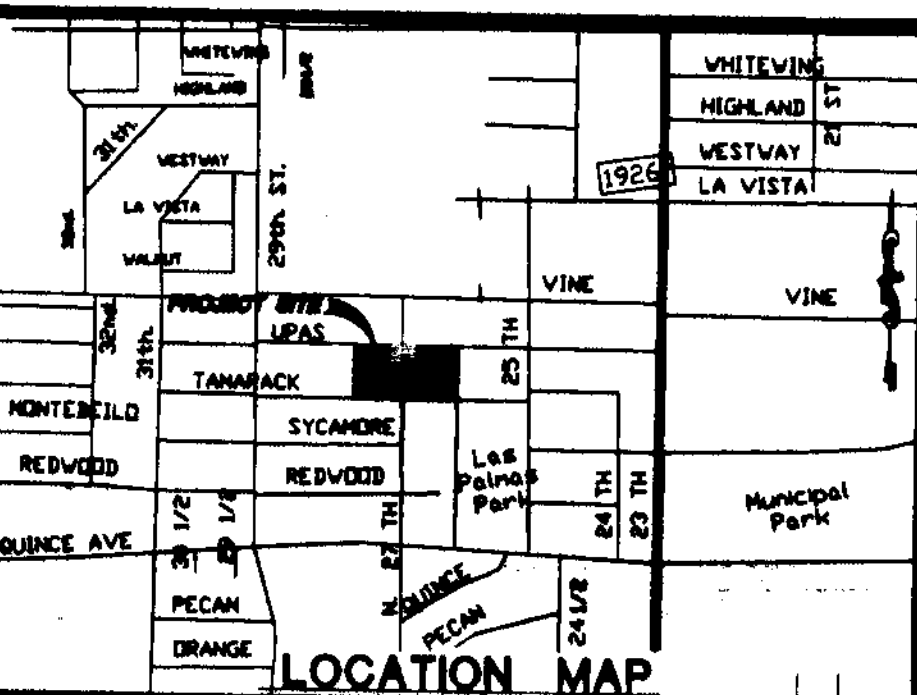
THENCE, NORTH 8°42'30" EAST, WITH THE WEST LINE OF SAID LOT 9 AND WITH THE EAST LINE OF LINCOLN TERRACE UNIT NO. 3 AS PER MAP RECORDED IN VOLUME 17, PAGE 83, AND WITH THE EAST LINE OF LINCOLN TERRACE UNIT NO. 4 AS PER MAP RECORDED IN VOLUME 17, PAGE 12, AT A DISTANCE OF 10.00 FEET PASS A 3/4-INCH IRON PIPE FOUND FOR REFERENCE ON THE NORTH RIGHT OF WAY LINE OF SAID TAMARACK AVENUE, AT A DISTANCE OF 308.00 FEET PASS A 1/2-INCH IRON PIPE FOUND FOR REFERENCE ON THE SOUTH RIGHT OF WAY LINE OF SAID UPAS AVENUE AND CONTINUING FOR A TOTAL DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.948 ACRES OF LAND MORE OR LESS.

GENERAL PLAT NOTES:

- MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" FOR EACH LOT.
- THE SUBDIVISION IS IN ZONE "B" ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0425-C REVISED NOVEMBER 16, 1983.
- MINIMUM BUILDING SETBACK FOR BLOCK 2 SHALL BE AS FOLLOWS:
FRONT: 25.0'
REAR: 10.00'
SIDE: 8.0'
SIDE CORNER LOT: 7.0 FEET
- A TOTAL OF 0.55 ACRE FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION AND ENGINEERING DETENTION PLAN WILL BE SUBMITTED PRIOR TO BUILDING PERMIT.
- THE CITY OF McALLEN TO HAVE A 10'X10' CORNER CLIP EASEMENT AT STREET INTERSECTIONS AND A 10'X20' CORNER CLIP AT ALL ALLEY/STREET INTERSECTIONS.

Filed for Record in:
Hidalgo County, Texas
by Jose Elroy Pulido
County Clerk
On: Oct 16, 1998 at 03:57P
As a
Map - Small
Document Number: 717498
Total Fees: 48.50
Receipt Number - 179864
Bea Cruz By,

PREPARATION DATE: DECEMBER 18, 1997



K K Engineering Consultants
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
Kambiz Khademi, P.E.
Principal

(5221 N. McCOLL RD.)
P.O. BOX 3422
McALLEN, TEXAS 78502
(956) 630-2155
FAX (956) 631-7866

VOL. 33 PG. 159B



Memo

TO: Zoning Board of Adjustment & Appeals

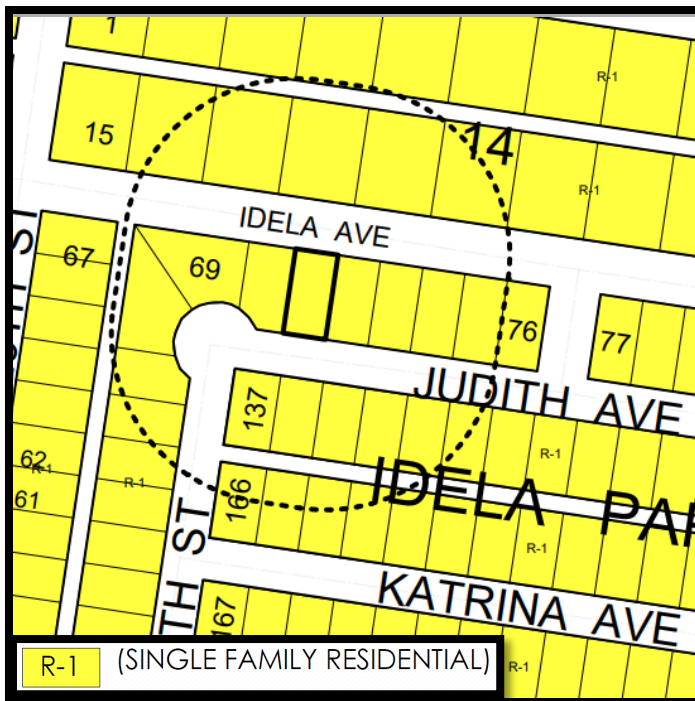
FROM: Planning Staff

DATE: June 29, 2023

SUBJECT: Request of Wilfredo Charles for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 21 feet into the 25 front yard setback for an existing metal carport measuring 18 feet by 18 feet, at Lot 71, Idela Park UT No. 1, Hidalgo County, Texas; 2752 Judith Avenue. **(ZBA2023-0052)**

REASON FOR APPEAL: The applicant is requesting a special exception in order to allow an encroachment of 21 feet into the 25 feet front yard setback for an existing metal carport measuring 18 feet by 18 feet. The applicant stated the carport is to protect their vehicles.

PROPERTY LOCATION AND VICINITY: The subject property is located south of Idela Avenue and east of South 29th Street. The property has 50 feet of fronting Judith Avenue and a depth of 100 feet., with a lot size of 5,000 square feet. The subject property is zoned R-1 (single-family) District. The adjacent is zoned R-1 District. Surrounding land uses include single-family dwellings.



BACKGROUND AND HISTORY: The plat for Idea Park Subdivision was recorded on February 13, 1978. The plat indicates a 25 feet front yard setback line. A stop work order was issued on January 27, 2023. A building permit for a carport was submitted February 3, 2023. An application requesting the special exception was submitted on May 24, 2023.

ANALYSIS: Approval of the special exception request would allow an encroachment of 21 feet into the 25 feet front yard setback. The applicant is requesting to maintain the carport as their home does not have a garage. The carport allows them to protect their vehicles from hail, sun, dirt, etc. Subdivisions recorded prior to 1999 did not require single-family dwellings to have a garage.

A review of the Planning Department records reveal seven approved special exceptions within the subdivision.

Staff has not received any phone calls, emails, or letters in opposition to this request.

RECOMMENDATION: Staff recommends disapproval of the variance request as a stop work order was placed due to construction of a carport without a permit.

2BA2023-0052



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

2BA 7/13

Project

Legal Description

Idela Park Ct No 1
lot 11

Subdivision Name

Street Address

2752 Judith Ave McAllen tx 78503

Number of lots

1

Gross acres

Existing Zoning

Residential

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

Deytes Los 21' dentro de
Los 25' de la parte delantera para un Carport Metal 18'x18'☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Wilfredo Charles

Phone 956-624-6350

Address 2752 Judith Ave

E-mail Wilfredo.charles@57-gmail

City McAllen, Tx

State TX

Zip 78503

Owner

Name Wilfredo Charles Same

Phone 9

Address

E-mail

City

State

Zip

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ NoI certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Wilfredo Charles

Date 5/24/23

Print Name Wilfredo Charles

☒ Owner☐ Authorized Agent

Office

Accepted by M

Payment received by

Rev 09/20





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

ha habido de que no tengamos garaje y para la protección de los vehículos de casa.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

protección de vehículos, para el granizo, sol, tierra, etc.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

Estructura abierta no hay obstrucciones en caso de fuego y es de metal.

4. Describe special conditions that are unique to this applicant or property:

No garaje y protección por cualquier naturaleza que pase.

Reason for Appeal

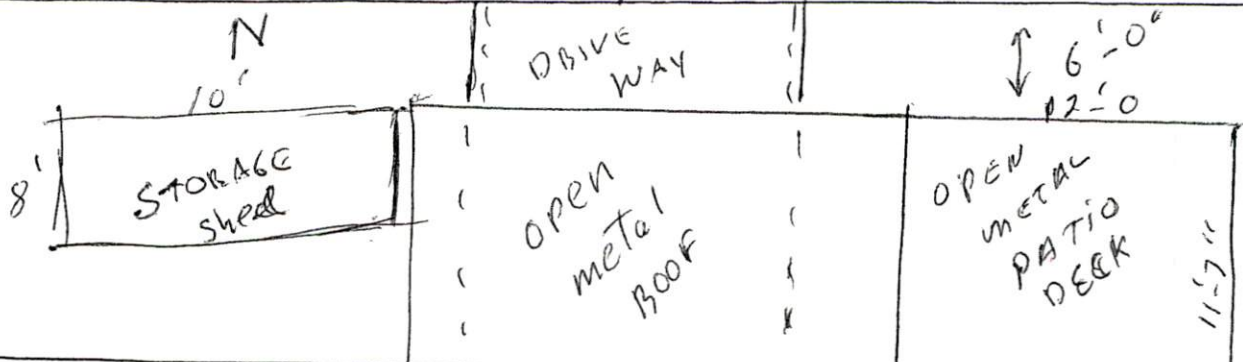
Board Action

Chairman, Board of Adjustment
Signature

Date

IDECA AVE

N.

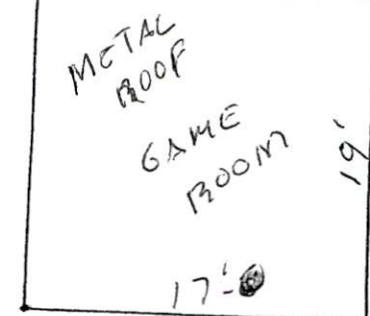


6'
↔
W.

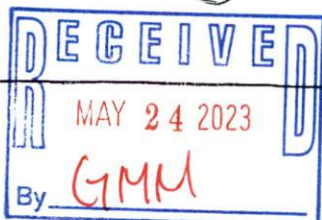
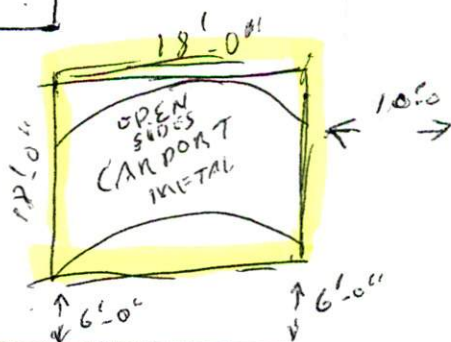
HOUSE

6'
↔
E

property line



porch



Judith Ave

property line



Memo

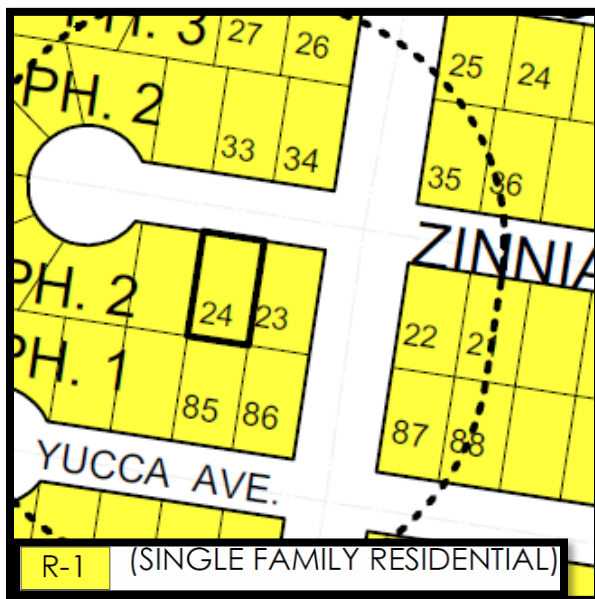
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 7, 2023

SUBJECT: REQUEST OF GILMA CUELLAR FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR AN EXISTING CARPORT MEASURING 10 FEET BY 47 FEET AT LOT 24, BROOKWOOD SUBDIVISION, UNIT 2, HIDALGO COUNTY, TEXAS; 4105 ZINNIA AVENUE. (ZBA2023-0056)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 6 feet into the 6 feet east side yard setback for an existing metal carport constructed to provide protection for the applicant from inclement weather. The applicant uses mobility aids and the carport provides protection while accessing the home or the car.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Zinnia Avenue just west of North 41st Street. The property is zoned R-1 (single-family residential) District. There is R-1 district in all directions.

BACKGROUND AND HISTORY: Brookwood Subdivision Unit 2 was recorded in December 1998. The plat shows a 6 feet side yard setback. A stop work order was posted June 3, 2022 for carport built without a permit. An application for a building permit was submitted June 27, 2022.

The special exception application was submitted May 26, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 6 feet into the 6 feet east side yard setback for an existing carport that was built for the protection of the applicant due to medical reasons. The applicant states she gains access to the home or the car with the use of mobility aids.

The carport is attached to the main residential structure and runs the length of the house along the east side of the property.

The carport cannot be relocated to the rear of the property since there is no alley.

The side yard setback is 6 feet for the common side property line. A 6 feet wooden fence helps to screen the carport from the neighboring property.

At the Zoning Board of Adjustments and Appeals meeting of December 21, 2022 the Board approved a request for an encroachment of 16 feet into the 20 feet front yard setback for an existing carport at Lot 5.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

A review of aerial pictures shows two other accessory structures that appear to encroach into the rear and side yard setback as well as a 10 feet utility easement that runs concurrently adjacent to the rear property line. The applicant has decided not to include these potential encroachments as part of the request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the request since the required building separation (based on required side yard setbacks) is not compliant.

ZBA2023-00570

ZBOA: 7/13/23



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description Brookwood UT 2 Lot 28

Subdivision Name Brookwood

Street Address 4105 Zinnia Ave McAllen TX 78504

Number of lots 1 Gross acres

Existing Zoning Residential Existing Land Use Carport

Reason for Appeal (please use other side if necessary) 6ft into the 6ft side yard setback (Carport) [10x47 ft. carport]

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Gilma Cuellar Phone 956 739 9880

Address 4105 Zinnia Ave E-mail gilmagcuellar@gmail.com

City McAllen State TX Zip 78504

Owner

Name Gilma Cuellar Phone 956-739 9880

Address 4105 Zinnia Ave E-mail gilmagcuellar@gmail.com

City McAllen State TX Zip 78504

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature] Date 5/26/23

Print Name Gilma Cuellar ☒ Owner ☐ Authorized Agent

Office

Accepted by AS Payment received by Date MAY 26 2023

Rev 09/20

By GMH





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

The reason it was built due to medical problems I was going thru. Due to back injury and having to use wheel chair a walker to be able to move, and the house is elevated VS the st.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

To Continue Use

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

It has not affected my neighbor

4. Describe special conditions that are unique to this applicant or property:

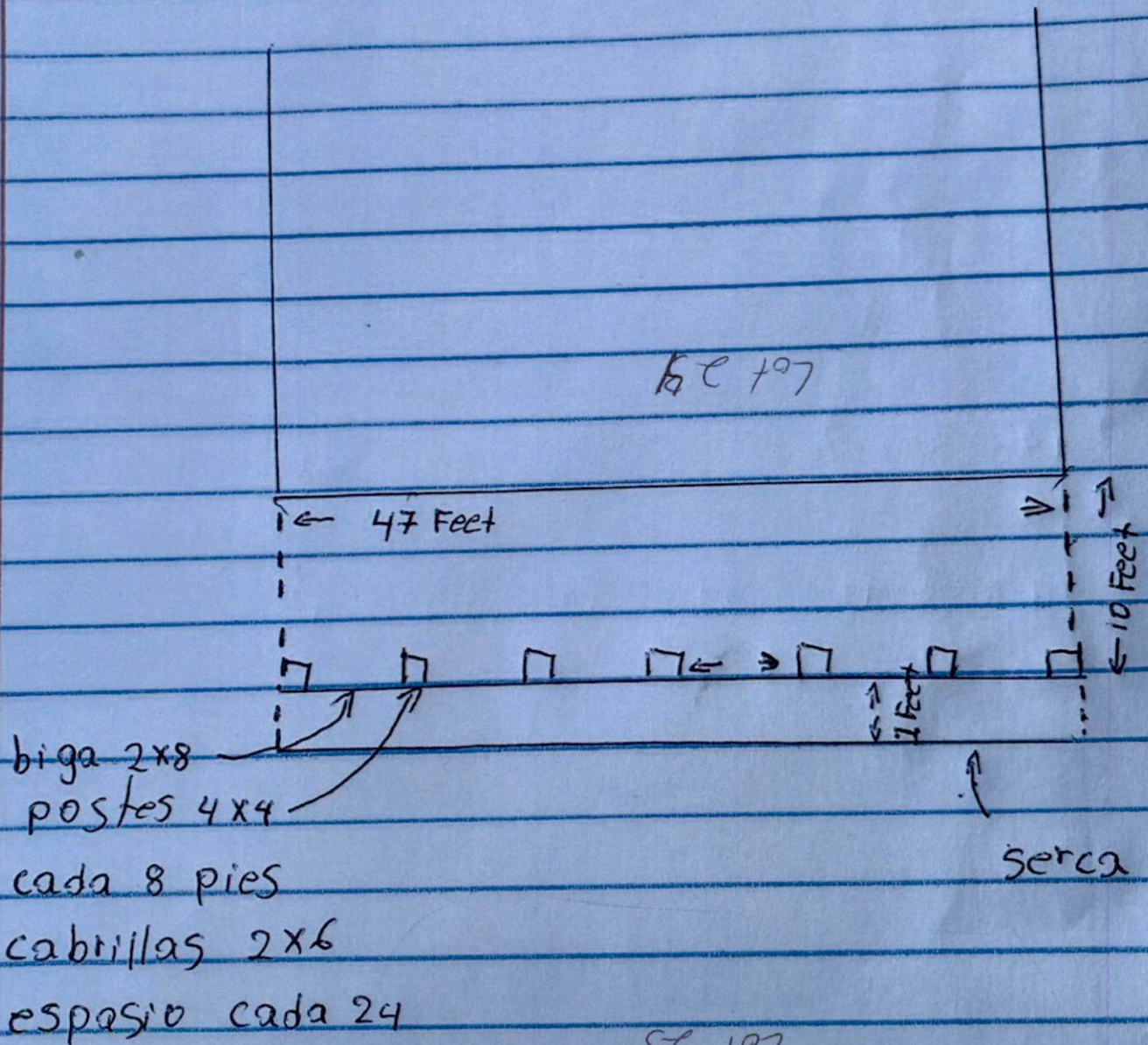
Medical Reasons

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0056
CITY OF MCALLEN PLANNING DEPT.
954-611-1226
WWW.MCALLEN.NET

TEXAS
RSJ-3330

Memo

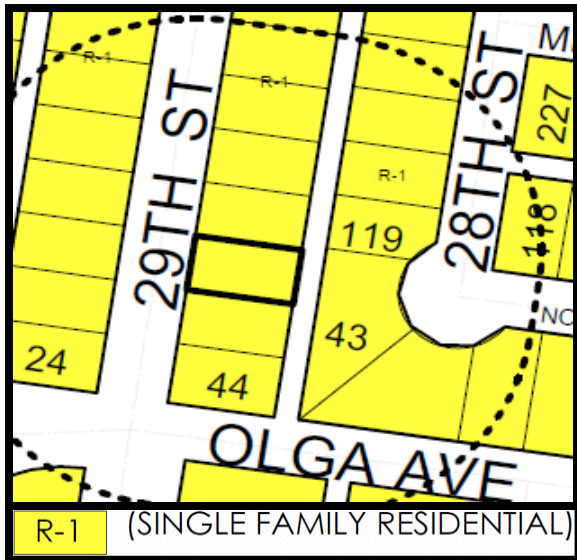
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 7, 2023

SUBJECT: REQUEST OF BALDEMAR SANCHEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET BY 30 FEET AT LOT 46, IDELA PARK SUBDIVISION, UNIT 1 HIDALGO COUNTY, TEXAS; 5101 SOUTH 29TH STREET. (ZBA2023-0057)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 20 feet into the 25 feet front yard setback, for a proposed metal carport to be constructed to protect his vehicles from rain, hail, and the sun, as the house does not have a garage.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of South 29th Street, and north of Olga Avenue. The Lot has 50 feet of frontage along South 29th Street and a depth of 90 feet for a total square footage of 4,500. The property is zoned R-1 (single-family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: Idela Park Subdivision Unit 1 was recorded on February 13, 1979. The plat shows a 25 feet front yard setback. A carport previously existed at this same location for which a special exception request was processed for an encroachment of 22 feet into the 25 feet front

yard setback for a carport measuring 20 feet by 30 feet, but was disapproved by the Zoning Board of Adjustment and Appeals at the meeting of November 2, 2022. The carport was subsequently removed. A new application for a special exception request was submitted May 30, 2023 for a proposed carport measuring 20 feet by 30 feet.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport in order to protect his vehicles from the weather elements.

The front yard setback is 25 feet along South 29th Street. Front yard setbacks help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision. The carport could be relocated to the rear of the property and accessed through the alley to maintain curb appeal and be closer to compliance.

At the Zoning Board of Adjustments and Appeals meeting of January 5, 2023 the Board unanimously approved an encroachment of 16 feet into the 25 feet front yard setback for a metal carport at Lot 111.

At the Zoning Board of Adjustments and Appeals meeting of February 8, 2023 the Board unanimously approved an encroachment of 23 feet into the 25 feet front yard setbacks for an existing metal carport at Lot 112.

At the Zoning Board of Adjustments and Appeals meeting of March 8, 2023 the Board unanimously approved an encroachment of 20.42 feet into the 25 feet front yard setbacks for an existing metal carport at Lot 186.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

The City Commission has amended Section 138-371(g) of the Code of Ordinances limiting the maximum size to 400 square feet for a carport for which a special exception has been granted.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the request since a similar request was disapproved in 2022 at this same location and the request exceeds the maximum size permitted by ordinance for carports for which a special exception has been granted.

2BA 2023-0057



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

2BA
7/13/23

Project

Legal Description

IDEAL PARK UT NO. 1 Lot 46

Subdivision Name

IDEAL PARK UT NO. 1

Street Address

5101 S. 29th St. Lot. 46

Number of lots

1

Gross acres

1.1032

Existing Zoning

Residential

Existing Land Use

Reason for Appeal (please use other side if necessary)

20 FT Into the 25 FT Front yard
proposed for CARPORT (26x36)
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 S. 29th St.

E-mail SANCHEZbalde1956@gmail.com

City MCALLEN

State TX

Zip 78503

Owner

Name BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 S. 29th St.

E-mail SANCHEZbalde1956@gmail.com

City MCALLEN

State TX

Zip 78503

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

BALDEMAR SANCHEZ

Date

5/24/23

Print Name

BALDEMAR SANCHEZ

☒ Owner

☐ Authorized Agent

Office

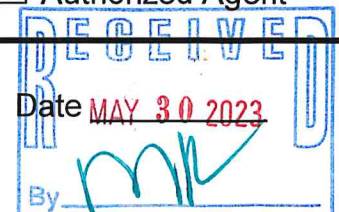
Accepted by

MK

Payment received by

Date MAY 30 2023

Rev 09/20





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

THE HOME IS ALMOST AS WIDE AS THE LOT THEREFORE
CAUSING THE ENCHROACHMENT OF THE CARPORT.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

AS A HOMEOWNER AND VEHICLE OWNER- IT IS NECESSARY
TO PROTECT MY INVESTMENT IN ANY WAY POSSIBLE.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

NO ONE IN THE AREA HAS MENTIONED THE CARPORT IS
AFFECTING THEIR SAFETY OR WELFARE. IT WILL BE DESIGNED
TO MEET CITY STANDARDS.

4. Describe special conditions that are unique to this applicant or property:

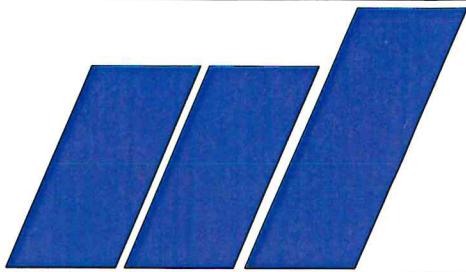
THE CARPORT IS THE BEST WAY TO AVOID DIRECT SUNLIGHT,
WHICH WILL KEEP MY VEHICLE INTERIOR AND EXTERIOR
FROM DRYING AND CRACKING.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN
Planning Department

Variance request

LEGAL DESCRIPTION: CAR PORT

PROPERTY ADDRESS: 5101 S. 29th St.

CASE NUMBER: : _____

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

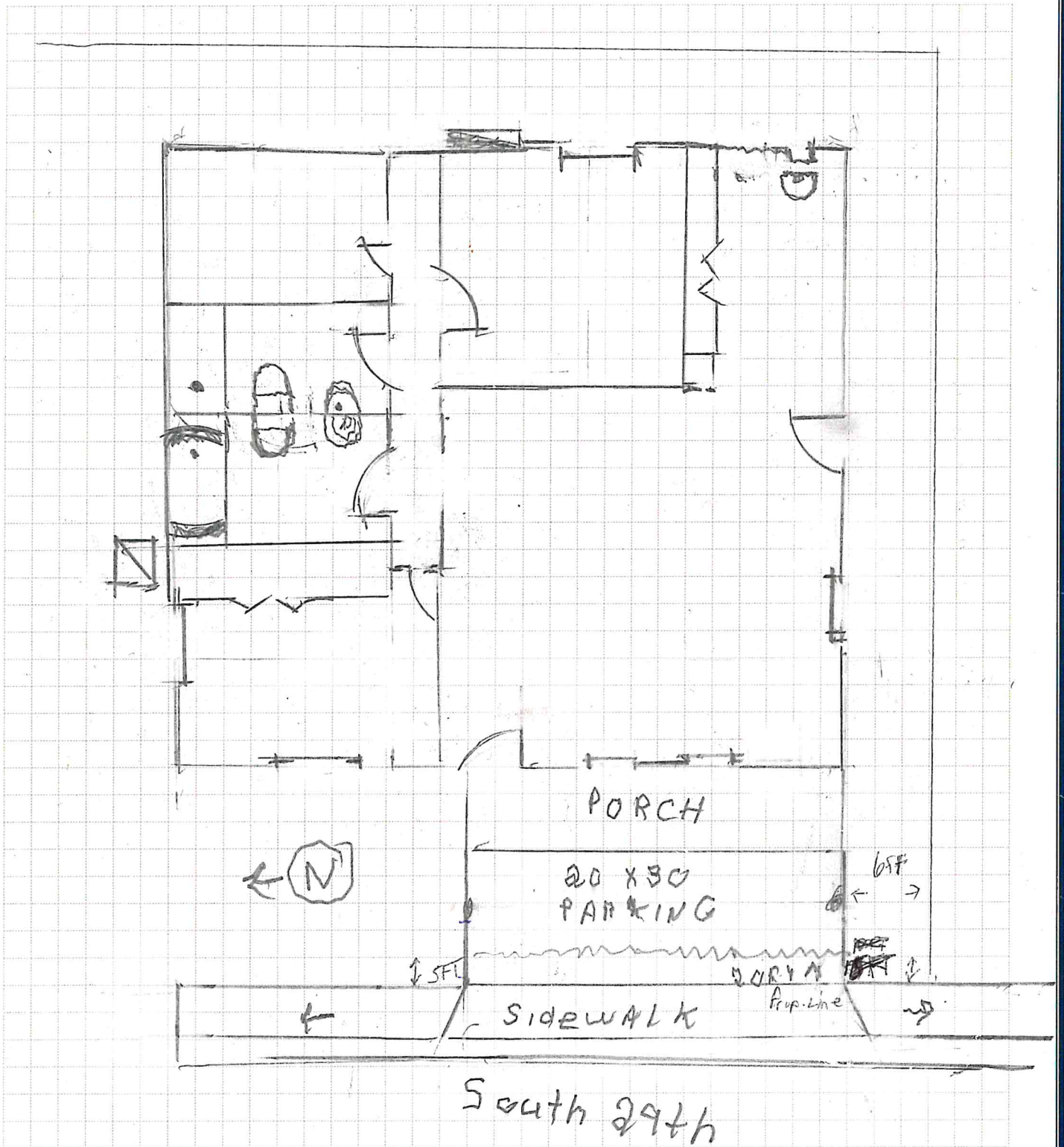
Applicant's Signature Baldemar Sanchez

Print Name BALDEMAR SANCHEZ

Address 5101 S. 29th St.

Phone 956-905-8971

e-mail SANCHEZBALDE1956@gmail.com



Wall Legend:

| | |
|------------|--|
| Existing | |
| Proposed | |
| Demolition | |

Symbol Legend:

| | | | | | |
|------|--------|------------------|----------|--------|------|
| | | | | | |
| Door | Window | Electrical Panel | A/C Unit | Toilet | Sink |

Application and documents can be submitted electronically to
BLDGPERMITS@MCALLEN.NET





5101

TEXAS
MPN-2510

TEXAS
RSJ-1563

TEXAS
SNY-3946



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0057
CITY OF McALLEN PLANNING DEPT.
956.681.2230
WWW.MCALLEN.NET

Memo

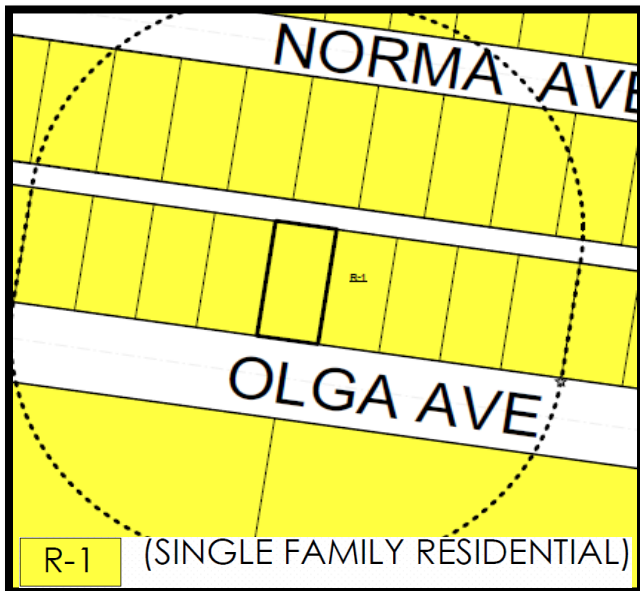
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 7, 2023

SUBJECT: REQUEST OF MARIA SALDANA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT WITH CANVAS COVER MEASURING 21 FEET BY 20 FEET, AND 2) AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT WITH CANVAS COVER MEASURING 21 FEET BY 20 FEET, AT LOT 11, LOS ENCINOS SUBDIVISION UNIT 2, HIDALGO COUNTY, TEXAS: 3036 OLGA AVENUE (ZBA2023-0044)

REASON FOR APPEAL: The applicant is requesting a special exception to encroach 15 feet into the 20 feet front yard setback, and 6 feet into the 6 feet west side yard setback. Both requests are for an existing metal carport constructed to protect her vehicles from rain, hail, and the sun, as the house does not have a garage.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Olga Avenue, and north of Sam Houston Elementary. The Lot has 50 feet of frontage along Olga Avenue and a depth of 102.70 feet for total square feet of 5,135 feet. The property is zoned R-1 (single-family residential) District. There is R-1 district in all directions.

BACKGROUND AND HISTORY: Los Encinos Subdivision Unit 2 was recorded in June 1995. The plat shows a 20 feet front yard setback and a 6 feet side yard setback. A stop work order was posted July 8, 2022 for carport built without a permit. An application for a building permit was submitted July 26, 2022. The special exception application was submitted May 9, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 15 feet into the 20 feet front yard setback and an encroachment of 6 feet into the 6 feet west side yard setback for an existing carport with canvas cover in order to protect her vehicles from the weather elements.

The applicant proposes to reduce the size of the carport by 5 feet in order to clear a 5 feet utility easement that runs concurrently with the front yard setback adjacent to the front property line. The proposed reduction will result in the carport dimensions modified to a size of 16 feet by 20 feet.

The front yard setback is 20 feet along Olga Avenue. Front yard setbacks help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision. The carport could be relocated to the rear of the property and accessed through the alley to maintain curb appeal and be closer in compliance.

The side yard setback is 6 feet for the common side property line. A 6 feet wooden wall separates the driveway from the neighboring property.

During a site visit, staff noticed that there were no other carports within Los Encinos Subdivision Unit 2.

Special exceptions are issued to and recorded for the present applicant/owner only. New owners would need to apply for a new special exception request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

At the meeting of June 21, 2023 the Board recommended tabling the item so that the applicant can discuss other options for the carport in reference to cutting it back on the front as well as the side to clear the setback and utility easement.

RECOMMENDATION: Staff recommends disapproval of the request since there are no other carports, nor have other special exceptions been granted for Lots within Los Encinos Subdivision Unit 2.

Zoning Board of Adjustments and Appeals Meeting of June 21, 2023: At the Zoning Board of Adjustments and Appeals meeting of June 21, 2023 no one appeared in opposition to the special exception request. Board member Tafel inquired as to the ability to maintain the carport without stepping into the neighbors property. Board member Saldivar also voiced the same concern. The Board unanimously voted to table the special exception request to give the applicant time to consider modifications to the existing encroachments. There were 5 members present and voting.

ZBA 2023-0044

ZBA
6/21/2023

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

| | |
|---------------|---|
| Project | Legal Description <u>Los Encinos ut 2 Lot 11</u> |
| | Subdivision Name <u>Los Encinos subdivision unit 2</u> Street Address _____ |
| | Number of lots <u>1</u> Gross acres _____ Existing Zoning <u>R-1</u> Existing Land Use <u>Resident</u> Reason for Appeal (please use other side if necessary) <u>For an encroachment of 15 ft into the 20 ft F&SB for carport measuring 16 ft x 20 ft</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required |
| Applicant | Name <u>Maria Saldana</u> Phone <u>956-905-0019</u> Address <u>3036 Olag Ave</u> E-mail <u>ms042871@gmail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78503</u> |
| Owner | Name <u>Same</u> Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____ |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>Maria Saldana</u> Date <u>5-1-23</u> Print Name <u>Maria Saldana</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent |
| Office | Accepted by <u>SEN</u> Payment received by _____ Date <u>MAY 09 2023</u> Rev 09/20 BY: <u>CW</u> |

104



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

For an encroachment of 15ft. into the 20-ft FYSB for a carport measuring 16ft. x 20 ft.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

To protect my cars, hail, sun

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The stracher was well built and wont cause issue with neighbors.

4. Describe special conditions that are unique to this applicant or property:

My home does not have a built in garage.

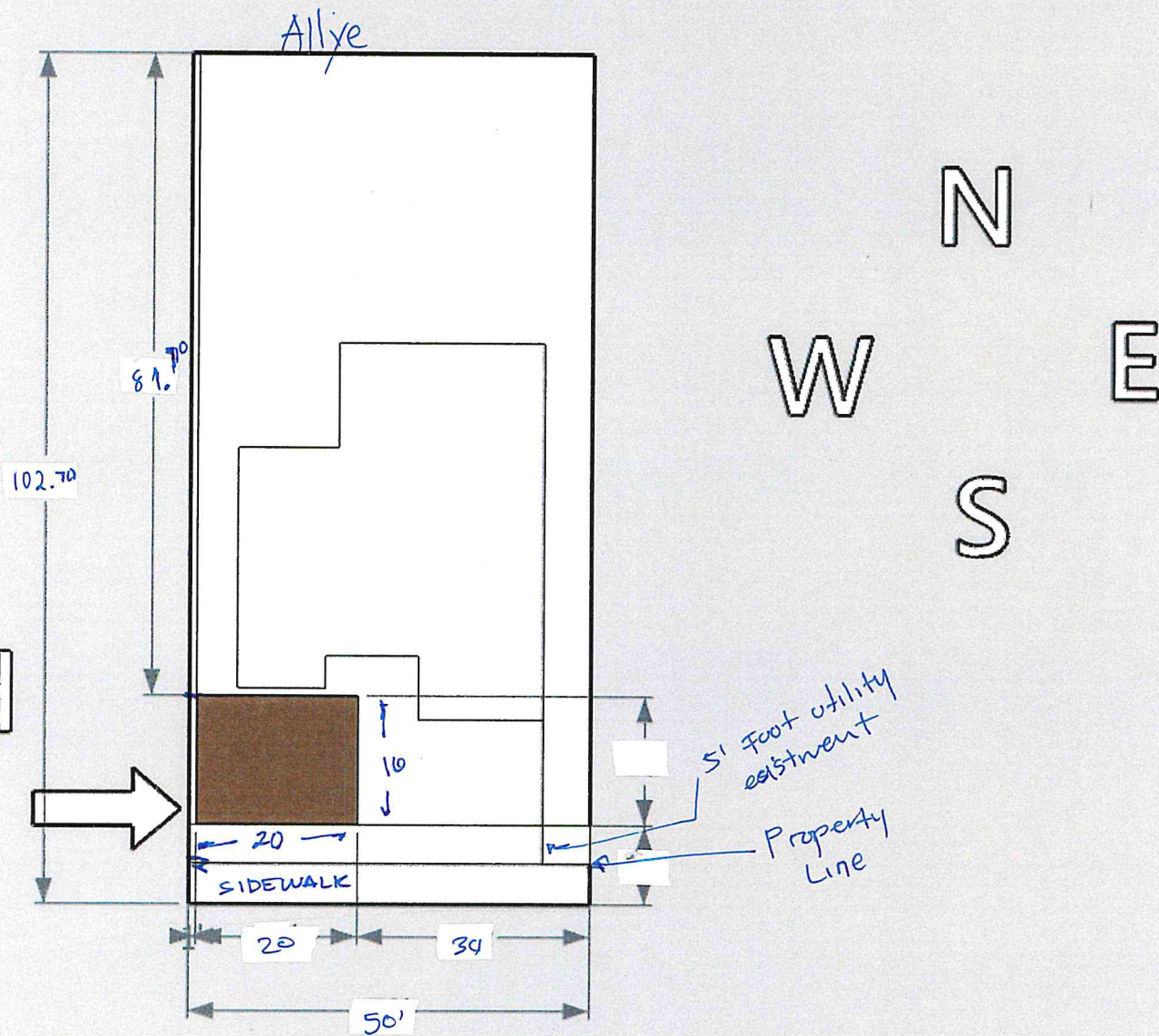
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Proposed
Canopy



Olga Ave





TEXAS
RWP-5503

3036

NOTICE
OF VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
VIA 2023-0044

Rentals
ables
McAllen Tx.

Memo

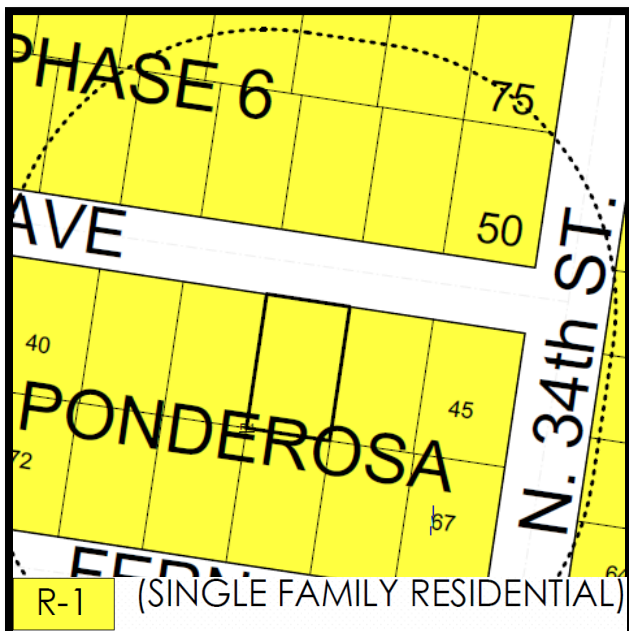
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 5, 2023

SUBJECT: REQUEST OF MARIO FERRON FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT WITH CANVAS COVER MEASURING 18 FEET BY 20 FEET, AT LOT 43, PONDEROSA PARK PHASE 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3409 GARDENIA AVENUE (ZBA2023-0045)

REASON FOR APPEAL: The applicant is requesting the special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport to provide protection for an individual with health concerns.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Gardenia Avenue between North 34th and North 36th Streets. The Lot has 63.50 feet of frontage and a depth of 102.00 feet for a total square footage of 6,477 feet. The property is zoned R-1 (single-family residential) District. The surrounding land use is R-1 District in all directions.

BACKGROUND AND HISTORY: Ponderosa Park Phase 6 Subdivision was recorded March 12, 2001. The plat states a 20 feet front yard setback. A stop work order was posted August 17, 2022. A building permit application was submitted October 10th, 2022. A special exception application was submitted May 15th, 2023. The applicant states the carport was built by a contractor but without a building permit.

ANALYSIS: The applicant is requesting a special exception to encroach 20 feet into the 20 feet front yard setback for an existing metal carport. The carport is to provide protection from the sun exposure for a person with health concerns.

The front yard setback is 20 feet along Gardenia Avenue. Front yard setbacks help to keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

The plat for this subdivision indicates a 5 feet utility easement adjacent to the front property line and runs concurrently with the front yard setback. The carport appears to be encroaching into the utility easement. The utility easement abandonment process would need to be undertaken in order to attempt to resolve the 5 feet carport encroachment into the utility easement.

At the Zoning Board and Adjustment and Appeals meeting of June 7, 2023 a request for an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover was approved for Lot 74, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of August 17, 2022 a request for an encroachment of 15 feet into the 20 feet front yard setback for a proposed metal carport that was approved at Lot 12, Ponderosa Park Phase 6 Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020, a request for an encroachment of 20 feet into the 20 feet front yard setback for a proposed carport was approved for Lot 90, Ponderosa Park Phase 6 Subdivision.

There is an existing two car garage that is part of the home that is used for storage of vehicles and other items.

Measurements provided are without benefit of a survey.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

Staff has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the request since the carport also appears to encroach into a 5 feet utility easement adjacent to the property line.

At the Zoning Board of Adjustments and Appeals meeting of June 21, 2023 Mr. Mario Ferron the applicant, stated that years ago his wife acquired a medical conditions that does not allow her to be exposed to sunlight. She uses the garage to be able to have time with her grandchild without being in the sun. The Board voted to table the special exception request to allow the applicant time to consider reductions to the encroachment.

ZBAUB-0045

ZBAUB:
6/12/23

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

PONDEROSA PARK PHASE 6
LOT 43

Subdivision Name

PONDEROSA PARK PHASE 6

Street Address

3409 W. GARDENIA AVE

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

RESIDENCE

Reason for Appeal (please use other side if necessary)

EXISTING CANOPY
13 FT ENCROACHMENT INTO
THE 20 FT FYSB FOR A CARPORT/CANOPY 13x20☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name MARIO FERRON

Phone (956) 638-6101

Address 3409 W. GARDENIA AVE

E-mail DR.MARIO.FERRON01@gmail.com

City McALLEN

State TX

Zip 78501

Owner

Name MARIO FERRON

Phone (956) 638-6101

Address 3409 W. GARDENIA AVE

E-mail

City McALLEN

State TX

Zip 78501

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Date

5/15/23

Print Name

MARIO FERRON

☒ Owner☐ Authorized Agent

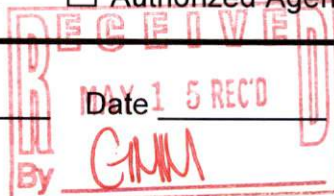
Office

Accepted by

Payment received by

Date

MAY 15 REC'D



Rev 09/20



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

| | | |
|-------------------|---|--|
| Reason for Appeal | <p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> | |
| | 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: | |
| | 13 FE ENCROACHMENT INTO THE 20ft FYSB FOR A | |
| | CARPORT/CANOPY 13X20 | |
| | 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: | |
| | THE VARIANCE IS NECESSARY TO AFFORD PERSONS WITH | |
| | DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING. | |
| | 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: | |
| | STRUCTURE IS WELL BUILT. | |
| | 4. Describe special conditions that are unique to this applicant or property: | |
| Board Action | PERSON WITH DISABILITIES HEALTH CONCERNS DUE TO | |
| | SUN EXPOSURE. | |
| | Chairman, Board of Adjustment Signature | |
| | Date | |

28 ft

24 ft

1 STORY RESIDENCE

7 ft 9 in

7 ft 9 in

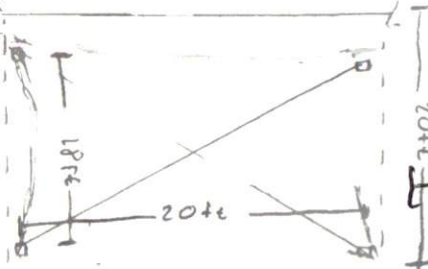
ELECTRICAL

GARAGE

WALKWAY



PROPERTY LINE



20 ft

6 ft 7 in

DRIVEWAY

GARDENIA AVE. NOT WITHIN 5 FT
PROPERTY LINE





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0045

3409

2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

| | 01/05/23 | 01/18/23 | 02/08/23 | 02/22/23 | 03/08/23 | 03/22/23 | 04/05/23 | 04/19/23 | 05/03/23 | 05/17/23 | 06/07/23 | 06/21/23 | 07/13/23 | 07/27/23 | 08/09/23 | 08/17/23 | 09/07/23 | 09/20/23 | 10/04/23 | 10/18/23 | 11/01/23 | 11/15/23 | 12/06/23 | 12/20/23 |
|-----------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| SYLVIA HINOJOSA-VICE-CHAIR | P | P | P | P | P | P | P | P | A | P | | | | | | | | | | | | | | |
| JOSE GUTIERREZ- CHAIRPERSON | P | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | |
| ANN TAFEL | P | P | P | P | A | P | P | P | P | P | P | P | | | | | | | | | | | | |
| HUGO AVILA | P | P | P | A | P | P | P | P | P | P | P | P | | | | | | | | | | | | |
| ROGELIO RODRIGUEZ | A | P | A | P | P | P | P | A | P | P | A | P | | | | | | | | | | | | |
| HIRAM A. GUTIERREZ | | | | | | | | | | | P | A | | | | | | | | | | | | |
| REBECCA MILLAN (ALT 1) | P | | | | | | | | | | | | | | | | | | | | | | | |
| MARK TALBOT (ATL 2) | A | | | | | | | | | | | | | | | | | | | | | | | |
| SAM SALDIVAR (ALT 3) | P | P | P | P | P | P | A | P | P | A | P | P | | | | | | | | | | | | |
| JUAN MUJICA (ALT 4) | P | P | A | P | P | P | A | P | P | P | P | P | | | | | | | | | | | | |

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279



2023 CALENDAR

Meetings:





-  City Commission
 -  Planning & Zoning Board
 -  Public Utility Board
 -  Zoning Board of Adjustment
- HPC - Historic Preservation Council

Deadlines:





D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed





JANUARY 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|------------------------------------|----------------------------------|-----|-----|
| 1 | 2 HOLIDAY | 3 | 4 | 5 N-1/17& 1/18 D-2/7 & 2/8 | 6 | 7 |
| 8 | 9  | 10  | 11 | 12 | 13 | 14 |
| 15 | 16 A-2/7 & 2/8 | 17 | 18 N-2/7 & 2/8 D-2/21 & 2/22 | 19 | 20 | 21 |
| 22 | 23  | 24  | 25 | 26 HPC | 27 | 28 |
| 29 | 30 | 31 | | | | |





FEBRUARY 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|------------------------------------|---------------|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 A-2/21 & 2/22 | 7 | 8 N- 2/21& 2/22 D- 3/7 & 3/8 | 9 | 10 | 11 |
| 12 | 13  | 14  | | | 17 | 18 |
| 19 | 20 A-3/2 & 3/3 | 21 | 22 N-3/7 & 3/8 D-3/21 & 3/22 | 23 HPC | 24 | 25 |
| 26 | 27  | 28  | | | | |





MARCH 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|------------------------------------|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 A-3/15 & 3/16 | 7 | 8 N-3/15 & 3/16 D-4/4 & 4/5 | 9 | 10 | 11 |
| 12 | 13  | 14  | | | 17 | 18 |
| 19 | 20 A-4/4 & 4/5 | 21 | 22 N-4/4 & 4/5 D-4/18 & 4/19 | 23 | 24 | 25 |
| 26 | 27  | 28  | 29 HPC | 30 | 31 | |





APRIL 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|-------------------------------------|---------------|------------------|-----|
| | | | | | | 1 |
| 2 | 3 A-4/18 & 4/19 | 4 | 5 N-4/18 & 4/19 D-5/2 & 5/3 | 6 | 7 HOLIDAY | 8 |
| 9 | 10  | 11  | 12 | 13 | 14 | 15 |
| 16 | 17 A- 5/2 & 5/3 | 18 | 19 N- 5/2 & 5/3 D-5/16 & 5/17 | 20 | 21 | 22 |
| 23 | 24  | 25  | 26 | 27 HPC | 28 | 29 |

MAY 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|------------------------------------|---------------|-----|-----|
| | 1 A- 5/16 & 5/17 | 2 | 3 D: 6/6 & 6/7 N-5/16 & 5/17 | 4 | 5 | 6 |
| 1 | 8  | 9  | 10 | 11 | 12 | 13 |
| 8 | 15 | 16 | 17 D-6/20 & 6/21 | | 19 | 20 |
| 15 | 22  | 23  | 24 N-6/6 & 6/7 | 25 HPC | 26 | 27 |
| 28 | 29 HOLIDAY | 30 | 31 | | | |



JUNE 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|---|-------------------------------------|---------------|-----|-----|
| | | | | 1 | 2 | 3 |
| 4 | 5 A-6/20 & 6/21 | 6 | 7 D-7/12 & 7/13 N-6/20 & 6/21 | 8 | 9 | 10 |
| 11 | 12  | 13  | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 D-7/26 & 7/27 | 22 | 23 | 24 |
| 25 | 26  | 27  | 28 N-7/12 & 7/13 | 29 HPC | 30 | |

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

2023 CALENDAR

Meetings:








-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council

Deadlines:









D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed









JULY 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|---|--|--|--|-----|-----|
| | | | | | | 1 |
| 2 | 3 | 4 HOLIDAY | 5 | 6 | 7 | 8 |
| 9 | 10  A-7/26 & 7/27 | 11  | 12  N-7/26 & 7/27 D-8/8 & 8/9 | 13  | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24  A-8/8 & 8/9 | 25  | 26  N-8/8 & 8/9 D-8/22 & 8/23 | 27 HPC | 28 | 29 |
| 30 | 31 | | | | | |









AUGUST 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|--|---|---------------|-----|-----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 A- 8/22 & 8/23 | 8  | 9  N- 8/22 & 8/23 D-9/6 & 9/7 | 10 | 11 | 12 |
| 13 | 14  | 15  | 16 | 17 | 18 | 19 |
| 20 | 21 A- 9/6 & 9/7 | 22  | 23  N- 9/6 & 9/7 D-9/19 & 9/20 | 24 HPC | 25 | 26 |
| 27 | 28  | 29  | 30 | 31 | | |










SEPTEMBER 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|--|--|---|--------------------|-----|
| | | | | | 1 | 2 |
| 3 | 4 HOLIDAY | 5 | 6  N-9/19 & 9/20 D-10/3 & 10/4 | 7  | 8 A-9/19 & 9/20 | 9 |
| 10 | 11  | 12  | 13 | 14 | 15 | 16 |
| 17 | 18 A-10/3 & 10/4 | 19  | 20  D-10/18 & 10/19 N-10/3 & 10/4 | 21 | 22 | 23 |
| 24 | 25  | 26  | 27 | 28 HPC | 29 | 30 |






OCTOBER 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|--|---|---------------|-----|-----|
| 1 | 2 | 3  | 4  N-10/17 & 10/18 D-11/1 - 11/7 | 5 | 6 | 7 |
| 8 | 9  | 10  | 11 | 12 | 13 | 14 |
| 15 | 16 A-11/1 ZBA | 17  | 18  N- 11/1 ZBA D-11/15 & 11/21 | 19 | 20 | 21 |
| 22 | 23  | 24  | 25 | 26 HPC | 27 | 28 |
| 29 | 30 A- 11/15 ZBA | 31 | | | | |

NOVEMBER 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|--|--|-------------------|-----|-----|
| | | | 1  N- 11/15 ZBA D-12/5 & 12/6 | 2 | 3 | 4 |
| 5 | 6 A-11/21 PZ | 7  | 8  N- 11/21 PZ | 9 | 10 | 11 |
| 12 | 13  | 14  | 15  D-12/19 & 12/20 | 16 | 17 | 18 |
| 19 | 20 A-12/5&12/6 | 21  | 22 | 23 HOLIDAY | 24 | 25 |
| 26 | 27  | 28  | 29 | 30 | | |

DECEMBER 2023

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|--|--|--|-----|-----|-----|
| | | | | | 1 | 2 |
| 3 | 4 | 5  | 6 HPC D-TBA N-12/19 & 12/20 | 7 | 8 | 9 |
| 10 | 11  | 12  | 13 | 14 | 15 | 16 |
| 17 | 18 A- TBA | 19  | 20  D- TBA N- TBA | 21 | 22 | 23 |
| 24 | 25 HOLIDAY | 26 HOLIDAY | 27 | 28 | 29 | 30 |